

**COLD CONTACT:  
A STUDY OF CANADA-US RELATIONS IN THE ARCTIC**

A Thesis Submitted to the College of Graduate Studies and Research  
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For the Degree of Master of Arts  
In the Department of Political Studies  
University of Saskatchewan  
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## ABSTRACT

Since the end of World War II, through the mandates of Prime Ministers Pierre Trudeau, Brian Mulroney, Jean Chrétien, Paul Martin and Stephen Harper, the Canadian government has found itself in conflict with the US Administration over the question of Arctic sovereignty. This situation is particularly difficult because of the power imbalance between the two countries. Thus, *how* Canada deals with the US is critical.

John Kirton identifies five ways in which Canada manages its differences with the US on foreign policy issues. The first is the process of ad hoc adjustment and problem-solving on individual issues. A second way is by pursuing solutions that achieve integration and cooperation. The third strategy consists of building defences and taking initiatives to reduce Canada's vulnerability to the US. The fourth strategy involves the deliberate influencing of the US domestic policy process in order to create policy that is more advantageous to Canadians.

In the fifth strategy, Canada aligns itself with others in the international community, building coalitions that can match the power and strength of the US; but more importantly, it establishes a place for Canada to lead the discussion and pursue its own interests. John Holmes believed that Canadian foreign policy was best served by multilateralism, as Canada often found it difficult to further its own interests within a bilateral framework. Kirton takes Holmes' argument one step further by observing that by playing a leadership role in the multilateral arena on specific issues, Canada can help find global solutions that advance Canadian interests.

This thesis uses Kirton's analytical framework to examine the strategies that Canada has employed in dealing with conflicts with the US over the Arctic. It examines the Trudeau, Mulroney, Chrétien, Martin and Harper governments and finds a common thread in their approaches. While showing that each one adopted a number of the strategies identified by Kirton, the thesis draws particular attention to their common utilization of the fifth strategy – of working with others to reshape the international or global community's perspective on Arctic issues in the pursuit of Canadian interests.

## ACKNOWLEDGEMENTS

For me, a piece of writing always tells a story beyond what the words say. When I look at a piece of my writing, I can always remember where I was when I wrote it, and what was going on in my life. This thesis is no different, particularly since there was a year between when I first started it and when I finished it. Much has changed in that relatively short stretch of time, yet despite all of the changes, there have been constants in my life, people without whom I cannot imagine coming this far. I am so very blessed to have them in my life.

Thank you to my mother, Myrn, for teaching me that I can do anything I set my mind to, and for pushing me to try. I hope that one day you, too, will write your own Master's thesis. You are an inspiration to me. Thank you to my father, Dale, for those moments when you let your true political 'colours' shine through, as these are the moments that often spark new thoughts and ideas for me. Thank you for being true to your ideals and for impressing upon me those things which truly matter most. Thank you to my siblings, Jeff and Michelle, for pushing me to do better. You may not realize it, but your successes have both encouraged and motivated me. Thank you to my grandmother, Irma, and my aunt, Jennifer, for your love, your prayers, and your encouragement. Grandma, I can only hope that one day I will be half as great a woman as you are. And Jennifer, you have taught me more about life than you could ever know.

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I cannot end without acknowledging that although I am both happy and relieved to have completed this project, I am also saddened that I cannot share this accomplishment with the man who inspired my love of learning. My grandfather, Victor, impacted my life in more ways than I can measure. I miss him more than words can say, and it is to him that I dedicate my thesis.

Nicole Hamm, June 2010

## DEDICATION

*A grandpa is someone you never outgrow your need for.*

- Unknown

To my beloved late grandfather, Victor Lehmann,  
whose love, guidance, and encouragement has made me who I am today.

It is your politics that have inspired me.

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## **LIST OF ABBREVIATIONS**

ACA – Arctic Cooperation Agreement  
AWPPA – Arctic Waters Pollution Prevention Act (1970)  
DFAIT – Department of Foreign Affairs and International Trade Canada  
DND/CF – Department of National Defence and Canadian Forces  
ICC – International Criminal Court  
ICJ – International Court of Justice  
INAC – Department of Indian and Northern Affairs Canada  
NATO – North Atlantic Treaty Organization  
NORAD – North American Aerospace Defence Command  
NDP – New Democratic Party  
PC – Progressive Conservative Party  
PDD – Presidential Decision Directive  
UN – United Nations  
UNCLOS – United Nations Convention on the Law of the Sea  
USNORTHCOM – US Northern Command



## CHAPTER 1: INTRODUCTION

### 1.1 Background

Canada and the United States (US) have faced-off over Arctic sovereignty numerous times since World War II; every decade seems to present a new confrontation or disagreement between the two countries that sparks an intense nationalistic reaction from the Canadian public. From the end of World War II through the mandates of Prime Ministers Pierre Trudeau, Brian Mulroney, Jean Chrétien, Paul Martin and Stephen Harper, the Canadian government has found itself in conflict with the US Administration over the question of Arctic sovereignty. Canada has never ceded ground on the principle of Canadian sovereignty, but it has, at times, appeared frozen in indecision about how to manage relations with the US on the related issues. Its strategy in dealing with the Arctic has varied, and, as this thesis will show, has taken a number of forms.

The foundation of the Canada-US relationship in the Arctic was built in the early years of the Cold War. Soviet aggression caused the US to start insulating itself from possible attack. The US Administration believed a possible Soviet air invasion would come from the North, through Canada's Arctic, which led it to cooperate with the Canadian government in the construction of the Distant Early Warning (DEW), Mid-Canada and Pinetree Lines.<sup>1</sup> Prime Minister William Lyon Mackenzie King allowed the US to access the Arctic but was suspicious of its motives; he believed the US' desire to increase its military presence in the Arctic could result in the loss of Canadian sovereignty in the region.<sup>2</sup> This possibility led Lester Pearson, then a senior official in the Department of External Affairs, to declare in a 1946 *Foreign Affairs* article, written "without authorization" from the government,<sup>3</sup> that the ice-covered waters of the Arctic archipelago were Canadian property.<sup>4</sup> When he became Prime Minister, Pearson endeavoured to assert Canadian sovereignty in the north by proposing to draw straight baselines.

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<sup>1</sup> Douglas C. Nord, "Searching for the North in North American Foreign Policies: Canada and the United States," *American Review of Canadian Studies* 37, no. 2 (Summer 2007): 210. For a thorough review of Canadian-American relations in the Arctic post-World War II, see J.L. Granatstein, "A Fit of Absence of Mind: Canada's National Interest in the North to 1968," in *The Arctic in Question*, ed. E.J. Dosman (Toronto: Oxford University Press, 1976), 13-33.

<sup>2</sup> Adam Lajeunesse, *Lock, Stock and Icebergs: Defining Canadian Sovereignty from Mackenzie King to Stephen Harper* (Calgary: Center for Military and Strategic Studies, 2008), 2-3.

<sup>3</sup> Ibid., 5.

<sup>4</sup> Lester B. Pearson, "Canada Looks 'Down North,'" *Foreign Affairs* 24, no. 4 (July 1946): 638-639. *Academic Search Complete*, EBSCOhost (24 September 2008).

The US Administration protested and Pearson withdrew his proposal.<sup>5</sup> Despite its failure in the early years to gain international recognition of its Arctic claims, the Canadian government consistently believed the Arctic archipelago fell under its jurisdiction, but its inability to legally establish its sovereignty over the area continued to create problems in the ensuing decades.

In September 1969, the voyage of the US super tanker the USS *Manhattan* through the Northwest Passage caused a public outcry, which demanded that the Canadian government assert its sovereignty over the Arctic.<sup>6</sup> What began as a simple exercise in Arctic navigation ballooned into a full-fledged diplomatic dispute when the US Administration refused to ask permission for its US Coast Guard to accompany the *Manhattan*.<sup>7</sup> Prime Minister Pierre Trudeau's response to the situation was highly innovative in that he defined the Arctic sovereignty issue in terms of an emerging international law of the sea agenda, allowing Canada to take the lead on the issue and drive it forward. In 1970, the Canadian Parliament enacted the Arctic Waters Pollution Prevention Act (AWPPA).<sup>8</sup> However, as Adam Lajeunesse has observed, "this functional approach left the question of Canadian sovereignty still unaddressed."<sup>9</sup>

The next showdown over Canadian Arctic sovereignty came in 1985, when US State Department officials notified the Canadian government that a US vessel, the *Polar Sea*, would be traversing the Northwest Passage during the summer to travel from Greenland to Alaska. According to US officials, the voyage was a time-saving and cost-cutting measure; sailing through the Panama Canal was far more expensive and a far longer trip.<sup>10</sup> As in the case of the *Manhattan*, US failure to ask for Canada's permission to sail through the Northwest Passage resulted in a confrontation between the two countries over Arctic sovereignty. The Canadian government's initial response was to draw straight baselines around its Arctic archipelago; these were declared in September 1985 and came into effect on January 1, 1986. Two years later, Canada negotiated the Arctic Cooperation Agreement (ACA) with the US, which made reference to the need for cooperation between the two Arctic neighbours in order to "advance their shared

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<sup>5</sup> E.J. Dosman, "The Northern Sovereignty Crisis 1968-1970," in *The Arctic in Question*, ed. E.J. Dosman (Toronto: Oxford University Press, 1976), 35.

<sup>6</sup> For an example, see "The Master Sails Everywhere," *The Globe and Mail*, 5 September 1969, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [13 October 2008].

<sup>7</sup> Dosman, "The Northern Sovereignty Crisis," 38-39.

<sup>8</sup> *Arctic Waters Pollution Prevention Act*, in *Revised Statutes of Canada, 1985*, vol. 7, chapter A-12 (Ottawa: Queen's Printer, 1985).

<sup>9</sup> Lajeunesse, *Lock, Stock and Icebergs*, 8.

<sup>10</sup> Christopher Kirkey, "Smoothing troubled waters: the 1988 Canada-United States Arctic co-operation agreement," *International Journal* 50, no. 2 (Spring 1995): 403. *Academic Search Complete*, HeinOnline (10 October 2008).

interests in Arctic development and security.”<sup>11</sup> In this case, the US Administration was willing to formally ask the Canadian government for its consent to allow US icebreakers to travel the Northwest Passage; the caveat was that the US still claimed that the Northwest Passage was an international strait. Canada and the US agreed to disagree.

The early 1990s saw some change in Canada-US relations regarding the Arctic. Lajeunesse attributes this to the end of the Cold War, which made “defending the region...less vital.”<sup>12</sup> The “desire for a peace dividend” following the Cold War led to new approaches to Arctic policy, which were spelled out in Prime Minister Jean Chrétien’s Arctic policy, and in particular, a government publication entitled *The Northern Dimension of Canada’s Foreign Policy*.

Chrétien and his government saw the end of the Cold War as an opportunity to build stronger relationships with other circumpolar countries, including Russia. The *Northern Dimension* document clearly stated that circumpolar cooperation was a key foreign policy goal for Canada.<sup>13</sup> The establishment of the Arctic Council in 1996 was a significant achievement for the Chrétien government and reflected a new approach to Arctic policy, although it was only achieved after Canada made significant concessions to appease US concerns.<sup>14</sup>

The other new approach to Arctic policy during the Chrétien period centred on the concept of security. In its most traditional sense, security is understood in terms of external threats and the actions and functions of the state; the state protects its area of jurisdiction from foreign intrusion – normally by military means. However, in the decade following the end of the Cold War, the concept of security was expanded and came to focus more on individuals and communities and the threats of non-state actors that put them at risk. This concept was termed ‘human security.’ The Canadian government, under Foreign Affairs Minister Lloyd Axworthy, was a global champion of human security in the late 1990s; the *Northern Dimension* policy document included a pledge “to promote the human security of northerners and the sustainable

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<sup>11</sup> “Agreement between the government of Canada and the government of the United States of America on Arctic cooperation,” 11 January 1988. Available online: <[http://www.lexum.umontreal.ca/ca\\_us/en/cts.1988.29.en.html](http://www.lexum.umontreal.ca/ca_us/en/cts.1988.29.en.html)> (10 October 2008).

<sup>12</sup> Lajeunesse, *Lock, Stock and Icebergs*, 9.

<sup>13</sup> Canada, Foreign Affairs and International Trade Canada, *The Northern Dimension of Canada’s Foreign Policy* (Ottawa: 2000), 1-2. Available online: <<http://www.international.gc.ca/polar-polaire/assets/pdfs/ndcfc-en.pdf>> (18 September 2008).

<sup>14</sup> Douglas C. Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” in *Handbook of Canadian Foreign Policy*, eds. Patrick James, Nelson Michaud, and Marc J. O’Reilly (Lanham, MD: Lexington Books, 2006), 305-307.

development of the Arctic.”<sup>15</sup> At the time, Canadians were becoming increasingly aware of the effects of global warming and the consequences for the Arctic. The rapid disappearance of ice in the Arctic created new security challenges for the Canadian government, and the concept of human security gave the government an innovative way of approaching the Arctic question.

The Canada-US relationship fundamentally changed after the terrorist attacks of September 11, 2001, and the tone of Canada-US relations on the Arctic was affected. The Administration of President George W. Bush became “more concerned about terrorists sneaking into North America or rogue states using the oceans to transport weapons of mass destruction” than with circumpolar cooperation, and it began to take measures that focused on security of the US homeland.<sup>16</sup> In April of 2002, the Bush Administration announced the establishment of US Northern Command (USNORTHCOM), created specifically for “homeland defence,” and whose “area of operations” would include Canada.<sup>17</sup> Chrétien did not seem all that concerned about the impact of these developments on Arctic questions; he seemed to believe that Canada’s sovereignty was well in hand.<sup>18</sup> And Paul Cellucci, the US Ambassador to Canada, downplayed the announcement by stating that USNORTHCOM was not meant to either replace or complement Canada’s own security forces.<sup>19</sup>

There were no further confrontations over the Arctic until the 2005-06 Canadian national election campaign. In December 2005, Conservative leader Stephen Harper announced his party’s intention to defend Arctic sovereignty by building three new icebreakers, establishing a port near Iqaluit, placing sensors underwater to trace the activity of foreign vessels in Arctic waters, and increasing air surveillance over the area; the initiatives were expected to cost of \$3.5 billion.<sup>20</sup> Following Harper’s election as Prime Minister in January 2006, David Wilkins, US Ambassador to Canada, criticized the government’s plan to militarize the Arctic, stating, “We have agreed to disagree, and there’s no reason...to say, ‘There’s a problem that’s occurring and

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<sup>15</sup> Ibid., 2.

<sup>16</sup> Michael Byers, *Intent for a Nation: What is Canada For?* (Toronto: Douglas & McIntyre, 2007), 158.

<sup>17</sup> Jim Garamone, “US Northern Command to Debut in October,” *USNORTHCOM News*, 17 April 2002. Available online: <<http://www.northcom.mil/News/2002/041702.html>> (28 June 2009).

<sup>18</sup> Jean Chrétien, quoted in Allan Thompson, “PM undecided on new defence link,” *Toronto Star*, 18 April 2002, p. A6. [Online Database Subscription]: Canadian Newsstand [28 June 2009].

<sup>19</sup> Shawn McCarthy, “US plays down Northcom threat,” *The Globe and Mail*, 19 April 2002, p. A14. [Online Database Subscription]: Canadian Newsstand [28 June 2009].

<sup>20</sup> “Tories plan to bolster Arctic defence,” *CBC News*, 22 December 2005. Available online: <<http://www.cbc.ca/story/canadavotes2006/national/2005/12/22/elxn-harper-dfens.html>> (28 June 2009).

we gotta do something about it.”<sup>21</sup> Harper retorted by declaring, “It is the Canadian people we get our mandate from, not the ambassador from the United States.”<sup>22</sup> It was the beginning of a new era of tensions between the two countries over the Arctic.

The Harper government has made a number of public statements committing Canada to defending Arctic sovereignty by military means. Promises of new patrol ships, new helicopters and a new deep water port have been reiterated numerous times.<sup>23</sup> Other plans include building a military training center in Resolute Bay, refurbishing the Aurora planes, and buying twelve other transport planes.<sup>24</sup> Harper has also taken steps to assert Canada’s presence in the north, including enacting measures to extend Canada’s territorial sea limit to 200 miles and to require all foreign vessels entering Arctic waters to report to Canada’s Coast Guard.<sup>25</sup> On the other hand, the recently released northern strategy document, *Canada’s Northern Strategy: Our North, Our Heritage, Our Future*, suggests a more cooperative approach to dealing with the US Administration on Arctic issues.<sup>26</sup>

## 1.2 Research Question and Objectives

Many scholars lament the lack of assertive and definitive Arctic policy measures by the Canadian government. Rob Huebert states that Canada’s handling of its northern territories over the years “has been primarily of a reactive and minimalist nature.”<sup>27</sup> P. Whitney Lackenbauer

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<sup>21</sup> David Wilkins, quoted in, “Harper brushes off US criticism of Arctic plan,” *CBC News*, 26 January 2006. Available online: <<http://www.cbc.ca/canada/story/2006/01/26/wilkins-harper060126.html>> (28 June 2009).

<sup>22</sup> Stephen Harper, quoted in, Gloria Galloway, “Harper rebukes US envoy over Arctic dispute,” *The Globe and Mail*, 27 January 2006, p. A4. [Online Database Subscription]: Canadian Newsstand [28 June 2009].

<sup>23</sup> Prime Minister of Canada, “Prime Minister Stephen Harper announces new Arctic offshore patrol ships,” 9 July 2007. Available online: <<http://pm.gc.ca/eng/media.asp?id=1741>> (10 October 2008).

<sup>24</sup> Andrew Mayeda and Randy Boswell, “Arctic Ambitions: Canada’s stake in the North,” *Victoria Times Colonist*, 16 August 2008. Available online: <<http://www.canada.com/victoriatimescolonist/news/story.html?id=b8af2779-b8dd-4918-a8c6-799e78e6c8a9>> (10 October 2008).

<sup>25</sup> Prime Minister of Canada, “Prime Minister Harper announces measures to strengthen Canada’s Arctic sovereignty and protection of the northern environment,” 27 August 2008. Available online: <<http://pm.gc.ca/eng/media.asp?id=2259>> (28 June 2009). The US seemed disappointed with Harper’s announcement and expressed its intention to take up the matter with the Canadian government in the following article: “US concerned with new Canadian shipping rules in the Arctic,” *Canwest News Service*, 28 August 2008. Available online: <<http://www.canada.com/topics/news/national/story.html?id=ddf03f21-1628-4659-aeda-52dfe3635085>> (28 June 2009).

<sup>26</sup> Canada, Indian and Northern Affairs Canada, *Canada’s Northern Strategy: Our North, Our Heritage, Our Future* (Ottawa: July 2009), 34-36. Available online: <<http://www.northernstrategy.ca/cns/cns.pdf>> (4 August 2009).

<sup>27</sup> Rob Huebert, “The Return of the ‘Vikings’: The Canadian-Danish dispute over Hans Island – New challenges for the control of the Canadian North,” in *Breaking Ice: Renewable Resource and Ocean Management in the Canadian North*, eds. Fikret Berkes, Alan Diduck, Helen Fast, Rob Huebert, and Micheline Manseau (Calgary: University of Calgary Press, 2005), 320.

asserts similarly that Canadian Arctic policy in the twentieth century was framed by a “reactionary, crisis-based mentality.”<sup>28</sup> In particular, “outside forces have typically driven the northern foreign policy agenda.”<sup>29</sup> The US is one, if not the most important, of those forces.

Confrontations and disagreements between Canada and the US over the Arctic are historic, going back to old boundary disputes, particularly the Alaska boundary dispute of 1903, the US presence in northern Canada in the post-World War II years, and, more recently, the *Manhattan* and *Polar Sea* incidents.<sup>30</sup> The Canadian government continues to operate at a disadvantage because its legal position on the Northwest Passage is not unassailable.<sup>31</sup> While this remains the case, it is faced with dealing with the US over disputes regarding the Arctic basically on its own. This situation is particularly difficult because of the “inequality inherent in any relationship between two countries so disparate in size and power.”<sup>32</sup> Thus, *how* Canada deals with the US is critical.<sup>33</sup>

John Kirton identifies five ways in which Canada manages its differences with the US on foreign policy issues. The first is the simple process of “ad hoc adjustment and pragmatic problem solving of...individual issues”<sup>34</sup> (hereafter referred to as *ad hoc adjustment*). A second way is by pursuing solutions that achieve “deeper integration” and cooperation between the two countries<sup>35</sup> (hereafter referred to as *deliberate integration*). The third strategy consists of “building defences” and taking initiatives “to reduce Canada’s vulnerability to the US”<sup>36</sup> (hereafter referred to as *building defences*). The fourth strategy involves the “deliberate” influencing of the internal policy processes of US politics in order to create policy that is more advantageous to Canadians<sup>37</sup> (hereafter referred to as *political penetration*). A fifth strategy is a long-term one, and involves Canada seeking, in a broader sense, to:

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<sup>28</sup> P. Whitney Lackenbauer, “Arctic Front, Arctic Homeland: Re-evaluating Canada’s Past Record and Future Prospects in the Circumpolar North,” July 2008: 1-2. Preliminary paper for the Canadian International Council. Available online: <<http://www.igloo.org/canadianinternational/research/publicatio>> (5 September 2008).

<sup>29</sup> Ibid.

<sup>30</sup> John Kirton, “Beyond Bilateralism: United States-Canadian Cooperation in the Arctic,” in *United States Arctic Interests: The 1980s and 1990s*, eds. William E. Westermeyer and Kurt M. Shusterich (New York: Springer-Verlag New York Inc., 1984), 312.

<sup>31</sup> Dosman, “The Northern Sovereignty Crisis,” 42.

<sup>32</sup> Adam Chapnick, *Canada’s Voice: The Public Life of John Holmes* (Vancouver: UBC Press, 2009), 150.

<sup>33</sup> John Holmes, *Life with Uncle: The Canadian –American Relationship* (Toronto: University of Toronto Press, 1981), 44.

<sup>34</sup> John Kirton, *Canadian Foreign Policy in a Changing World* (Toronto: Nelson, 2007), 266.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

“deliberately and directly produce a full-scale alternative global order to that of America, rather than merely constraining America’s effort at the margin, picking niches to pursue abroad...It involves formulating a vision of global order, based on Canadian interests and values, as ambitious and well defined as that of the United States. It requires competing against America globally to have America adjust to the Canadian conception of which ideas and institutions should prevail”<sup>38</sup> (hereafter referred to as *global order*).

While this fifth *global order* strategy appears essentially to be multilateralism, it is not; it goes beyond multilateralism. The strategy is informed by Kirton’s principal power theory, where Canada plays a leadership role in multilateral and plurilateral organizations in pursuit of policies that reflect “unique Canada-based interests.”<sup>39</sup> The strategy is more than bilateralism, but different than “[United Nations (UN)]-based multilateralism.”<sup>40</sup> Its goal is “modification of the global order through leadership in defining and legitimizing a new approach.”<sup>41</sup>

Of these five problem-solving approaches or strategies, four place Canada at a disadvantage right from the start; that is, the US has the upper hand due to its relative power. This is particularly true in the case of the first strategy of *ad hoc adjustment*, and also in the second strategy of *deliberate integration*, where the goal is deeper integration and cooperation with the US. In both cases, Canada finds itself trying to placate US concerns rather than asserting itself or pursuing its own interests. Although the third strategy of *building defences* to reduce Canada’s vulnerability does seek to protect Canadian interests, Canada is no match for the US in economic or military terms; any success in such endeavours is not a long-term solution. *Political penetration* of US policy processes, the fourth strategy, is difficult at best and impossible at worst due to the sheer size and complexity of the US domestic policy process system: infiltrating it requires making one’s voice heard above the fray of US lobbyists, which is no easy task; to do so often requires concessions, even before the matter at hand is put on the table.

The fifth strategy of *global order* is the one that is highlighted by this thesis. Instead of attempting to protect its interests through bilateral discussions with the US on particular issues, Canada works to reshape the international community’s approach to such issues, achieving greater success in furthering its interests. John Holmes believed that “Canadian foreign relations

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<sup>38</sup> Ibid.

<sup>39</sup> David B. DeWitt and John Kirton, *Canada as a Principal Power: A Study in Foreign Policy and International Relations* (Toronto: John Wiley & Sons Canada Limited, 1983), 115.

<sup>40</sup> Kirton, “Beyond Bilateralism,” 296.

<sup>41</sup> DeWitt and Kirton, 71.

were best served by multilateral accords, and [that] bilateral dealings with a more powerful neighbour were anything but uneven.” Without multilateral support, Holmes believed “it would not be possible for Canada to make a beneficial arrangement” for Canadians on most issues.<sup>42</sup> Kirton takes Holmes’ argument one step further by observing that Canada works with others, often within the context of multilateral organizations, to create an alternative kind of global order or system that clearly brings benefits.

This thesis uses Kirton’s analytical framework to examine the approach that Canada has taken in dealing with conflicts with the US over the Arctic. It examines the Trudeau, Mulroney, Chrétien, Martin and Harper governments and identifies a common approach utilized by all in dealing with such conflicts – the fifth strategy of *global order*, identified by Kirton – a strategy of working with others to situate Arctic issues within the larger context of an evolving international or global order, where Canadian interests can be furthered.

### **1.3 Methodology and Sources**

This thesis will employ a case study analysis. It will examine four specific Arctic policy initiatives from four different decades in order to demonstrate how Canada manages disagreements with the US. The first case study investigates the events surrounding the enactment of the AWPPA by Prime Minister Pierre Trudeau in 1970. The second covers the *Polar Sea* incident and the resulting policies pursued by Prime Minister Brian Mulroney through to the end of the 1980s. Third is an examination of the Arctic policies of the government of Jean Chrétien and later, of Paul Martin, from the establishment of the Arctic Council through September 11, 2001 and beyond. The fourth analyzes the Arctic policies of the government of Prime Minister Stephen Harper. Analysis of these specific cases will reveal a number of different approaches that various Canadian governments have taken to manage disputes with the US over Arctic sovereignty, including the primary one of acting like a principal power.

Government documents, newspaper articles and secondary sources will be the main sources cited in this study. Government documents include: policy papers produced by the Department of Northern and Indian Affairs (INAC), the Department of Defence and Canadian Forces (DND/CF) and the Department of Foreign Affairs and International Trade (DFAIT); press releases; background papers; fact sheets; party platforms; House of Commons debates; and

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<sup>42</sup> Chapnick, 270.



speeches. The memoirs of prime ministers will be used as first-hand accounts where appropriate. *The Globe and Mail* and the *Toronto Star* provide excellent accounts of the disputes between Canada and the US over the Arctic, and are important sources for quotations from the political figures involved.

Secondary sources used will come from a variety of academics. John Kirton and John Holmes will largely provide the theoretical perspectives on Canada-US relations, with other academics cited where appropriate. Current Arctic policy is analyzed by Rob Huebert, P. Whitney Lackenbauer and Franklyn Griffiths, as well as by Ken Coates, Lackenbauer, William R. Morrison and Greg Poelzer in *Arctic Front: Defending Canada in the Far North*. For information on earlier iterations of Arctic policy, the thesis will cite the work of J.L. Granatstein, as well as E.J. Dosman's book, *The Arctic in Question* (1976). Numerous journal articles will also be referenced, including published papers by Douglas C. Nord, Elizabeth B. Elliot-Meisel, Christopher Kirkey, D.M. McRae and Rob Huebert.

## **1.4 Organizational Structure**

The thesis is divided into six chapters. Following the introduction, each of the next four chapters focuses on a specific case. Chapter 2 looks at Prime Minister Pierre Trudeau and the AWPPA. Chapter 3 examines Prime Minister Brian Mulroney's policy responses to the voyage of the *Polar Sea*, and his government's launching of the idea of an Arctic Council. Chapter 4 studies Arctic policy during Prime Minister Jean Chrétien's time in office, as well as the policies of his successor, Prime Minister Paul Martin. Finally, Chapter 5 analyzes the wide-ranging Arctic policies of Prime Minister Stephen Harper.

The sixth chapter will provide a conclusion based on the findings from the case studies. The thesis will examine the different strategies or approaches used by Canada to help it manage disagreements with the US over the Arctic, and show how it has consistently taken a leadership role in Arctic issues and used multilateral means to do so.

## **1.5 Importance of the Thesis**

For Canadians, the issue of Arctic sovereignty is always portrayed as a question of nationalism and identity. Time and time again the issue is oversimplified and the US is painted as the enemy. In reality, Canada's inability (and maybe unwillingness) to enforce its sovereignty

over the Arctic has made the issue a bilateral one. As the Arctic ice continues to melt at a rapid pace, there will be further confrontations between Canada and the US; how we deal with these disputes will determine our Arctic's future.

## CHAPTER 2: TRUDEAU AND THE AWPPA

### 2.1 Background

In October 1968, Humble Oil, a US company, announced its intentions to send an oil tanker, the USS *Manhattan*, through the Northwest Passage. The voyage was an experiment; it was meant to test both the cost-effectiveness and feasibility of shipping oil from the newly-discovered Alaskan oil fields of Prudhoe Bay to the continental US. Its first journey, heading north from the east coast of the US and then moving west through the Northwest Passage, began on August 25, 1969; a month and a half later, on September 14, it reached the waters off northern Alaska. From April to May of 1970, the ship completed a second voyage through the Northwest Passage.<sup>43</sup>

Initially there was little concern in Ottawa about the *Manhattan*'s planned voyage. In fact, Humble Oil informed the Canadian government of its plans and asked for assistance, which Ottawa saw as an "acknowledgement of [Canadian] sovereignty of the Passage."<sup>44</sup> The Canadian government agreed to assist by providing reports of ice conditions and an icebreaker escort. There was concern when the US announced that it would send one of its Coast Guard vessels to accompany the *Manhattan* – without asking the Canadian government for permission to do so.

While asserting, maintaining and defending Canada's presence in the Arctic was the main goal of the Trudeau government in dealing with the *Manhattan* voyages, both the public and the government also became more aware of the environmental threats posed by possible future use of the Northwest Passage as an international shipping channel.<sup>45</sup> The government's strategy was to assert Canada's presence in the Arctic by defining the issue as an international matter of protecting the vulnerable Arctic environment. In April 1970, the Trudeau government introduced the AWPPA, which demarcated a twelve-mile territorial sea and created a 100-mile Pollution Prevention Zone, both of which extended from the coasts of all territories within the

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<sup>43</sup> John Kirton and Don Munton, "The *Manhattan* Voyages and Their Aftermath," in *Politics of the Northwest Passage*, ed. Franklyn Griffiths (Montreal: McGill-Queen's University Press, 1987), 70-71.

<sup>44</sup> Ibid., 71; Elizabeth B. Elliot-Meisel, "Still unresolved after fifty years: the Northwest Passage in Canadian-American relations, 1946-1998," *The American Review of Canadian Studies* 29, no. 3 (October 1999): 412-413.

<sup>45</sup> Maxwell Cohen, "The Arctic and the National Interest," *International Journal* 26, no. 1 (1970-71): 65.

Arctic archipelago and effectively placed all of the inner waters of the Northwest Passage under Canadian control.

## 2.2 Canadian Response to the *Manhattan* Voyage

For the Canadian government, the initial policy thrust originated from the belief that the *Manhattan* incident “presented Canada with both threats and opportunities.”<sup>46</sup> The government feared that if Humble Oil’s experiment proved that the Northwest Passage was indeed a viable shipping route, other companies would begin to use it on a regular basis; this would not only work to solidify US claims that the Passage is an international strait, but also expose the relatively untouched Arctic environment to a multitude of hazards such as air pollution and oil spills.<sup>47</sup> However, the threat of environmental damage provided the Trudeau government with an opportunity to prompt the international community to move the over-arching law of the sea agenda in a direction that would effectively support Canada’s position on the Arctic.

At this time, international law over coastal waters was just beginning to take shape. The 1951 decision of the International Court of Justice (ICJ) in the *Fisheries Case (United Kingdom v. Norway)* had created the legal precedent as to what jurisdiction states have over what waters.<sup>48</sup> The ICJ ruled that historic title to coastal waters did exist and that states whose coastlines consisted of islands and inlets could draw straight baselines from island to island, enclosing the inlets and defining them as internal waters, over which the state has full authority. The case was a reminder that there was little international agreement on the limits of territorial seas and coastal claims. It had also generated momentum for the codification of international law on the issue, resulting in the first United Nations Conference on the Law of the Sea. This conference saw the ratification of the Convention on the Territorial Sea and Contiguous Zone in 1958, which essentially adopted the ideas of straight baselines and historical title from the *Fisheries Case* and entrenched them as the foundational concepts of the emerging modern international law of the sea.<sup>49</sup>

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<sup>46</sup> Kirton and Munton, 71.

<sup>47</sup> Ibid.

<sup>48</sup> International Court of Justice, *Fisheries Case (United Kingdom v. Norway)*, 1951. Available online: <<http://www.icj-cij.org/docket/files/5/1809.pdf>> (13 June 2010).

<sup>49</sup> D.M. McRae, “The Negotiation of Article 234,” in *Politics of the Northwest Passage*, ed. Franklyn Griffiths (Montreal: McGill-Queen’s University Press, 1987), 99.

Armed with these new concepts, subsequent Canadian governments began to toy with the idea of drawing straight baselines around the Arctic archipelago and claiming the Arctic waters as internal waters. The government of Louis St. Laurent discussed the idea, but never made an “official statement” on it.<sup>50</sup> The same “policy of purposeful ambiguity” was followed by John Diefenbaker.<sup>51</sup> In 1963, the Canadian government decided to draw straight baselines around the entire Arctic archipelago, but the US Administration protested and Prime Minister Lester Pearson reversed the decision.<sup>52</sup>

The failure of previous governments to make definitive pronouncements on where Canada stood regarding the Arctic put the Trudeau government in a difficult position. The US would surely denounce any further attempts to draw straight baselines in the Arctic, as it remained firm in its position that the Northwest Passage constituted an international strait; Washington believed that if it allowed Canada to claim the Passage as internal waters, a precedent would be set that would limit US freedom of navigation throughout the world.<sup>53</sup> Yet Ottawa still naively believed that the US would “eventually” acquiesce “without the inconvenience of [Canada] having to actively assert a claim.”<sup>54</sup>

Still, there was a certain amount of fear amongst Canadian officials. They knew that US President Richard Nixon “would not accept any unilateral extension of Canada’s maritime boundaries.”<sup>55</sup> There was also concern that a straightforward declaration of sovereignty would result in economic retaliation from the US, specifically an embargo on Canadian oil exports.<sup>56</sup> Canadian officials had little doubt that the US would challenge any such declaration.<sup>57</sup> They also knew that their case, largely based on historic title, was “not airtight.”<sup>58</sup> If Canada lost a legal challenge at the ICJ, there would be major ramifications, not only for the status of Canadian sovereignty in the Arctic - but for Canada-US relations.<sup>59</sup> Bilateral talks during the last half of 1969 showed that the US had the same concerns: “the message was clear – Washington would

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<sup>50</sup> Lajeunesse, *Lock, Stock and Icebergs*, 5.

<sup>51</sup> *Ibid.*, 3.

<sup>52</sup> Dosman, “The Northern Sovereignty Crisis,” 35.

<sup>53</sup> Suzanne Lalonde, “Arctic Waters: Cooperation or Conflict?” *Behind the Headlines* 65, no. 4 (August 2008): 9.

<sup>54</sup> Lajeunesse, *Lock, Stock and Icebergs*, 7.

<sup>55</sup> *Ibid.*

<sup>56</sup> Dosman, 41.

<sup>57</sup> John Saywell, *Canadian Annual Review of Politics and Public Affairs 1970* (Toronto: University of Toronto Press, 1971), 350.

<sup>58</sup> Dosman, 42.

<sup>59</sup> Kirton and Munton, 78.

resist Canada's sovereignty claims but was as anxious as Ottawa to avoid, or at least delay, a confrontation."<sup>60</sup> But public pressure was mounting on the Canadian government to do something, and with the added pressure came an opportunity for political gain.

Initial public reaction to the voyages of the *Manhattan* was negligible; but throughout 1969 and into early 1970, Canadian nationalism was stoked by increased media coverage and the protests by the opposition Progressive Conservative (PC) and New Democratic (NDP) parties.<sup>61</sup> In September of 1969, *The Globe and Mail* cautioned Canadians to put aside feelings of "ultranationalism" while the government dealt with the sovereignty crisis in the Arctic.<sup>62</sup> Yet in February 1970, the *Globe* admonished the government for its inaction and refusal to confront the US: "The Government has kept shying off...like a scared virgin who knows that she shouldn't surrender but figures she may have less trouble if she does."<sup>63</sup>

The perceived threat to Arctic sovereignty tapped into that "near-mystical bond" Canadians have with their Arctic.<sup>64</sup> It also exploited Canadians' long-held suspicions of US motives at a time when "heavy-handed United States responses" were the norm, as opposed to the more cordial and cooperative relations of years past.<sup>65</sup> Canadians felt "that they were on the edge of another American 'steal' of Canadian resources and 'rights' which had to be dealt with at once by firm governmental action."<sup>66</sup> The situation worsened in February 1970 when US President Richard Nixon spoke of the need to "head off the threat of escalating national claims over the ocean" in a foreign policy speech to the US Congress; a State Department spokesperson later confirmed that Nixon's statement applied to the Northwest Passage, as well as to other disputed areas.<sup>67</sup> The following day, External Affairs Minister Mitchell Sharp made the Trudeau government's "strongest claim yet" of Canada's control over the Northwest Passage.<sup>68</sup> Sharp stated:

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<sup>60</sup> Ibid., 76.

<sup>61</sup> Kirton and Munton, 74.

<sup>62</sup> "Guard on the jewel case," *The Globe and Mail*, 13 September 1969, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [16 May 2009].

<sup>63</sup> "In the Arctic the wrong man is meek," *The Globe and Mail*, 18 February 1970, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [16 May 2009].

<sup>64</sup> Elliot-Meisel, 407.

<sup>65</sup> Cohen, 72.

<sup>66</sup> Ibid.

<sup>67</sup> Terrance Wills, "Nixon wants agreement on territorial boundaries," *The Globe and Mail*, 19 February 1970, p. 4. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>68</sup> Donald Newman, "Sharp makes claim to Arctic waters," *The Globe and Mail*, 20 February 1970, p. 1. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [18 May 2009].

“These are our waters. There has never been any question of that. We have always regarded them as our waters. The question may be whether other people regard them as our waters – but that is another matter.”<sup>69</sup>

Although Sharp’s statement further escalated the conflict between Canada and the US, the Canadian media and the public were pleased with the declaration.<sup>70</sup>

The opposition parties were more than happy to capitalize on intensifying public pressure. Throughout 1969 and early 1970, the PCs and the NDP continually pressed the Trudeau government to declare full sovereignty of the Northwest Passage and the other internal waters of the Arctic archipelago.<sup>71</sup> In January 1970, the two opposition parties worked together to try and force Parliament to vote on a motion put forward by Member of Parliament Paul Yewchuk (PC), which called for “an immediate assertion of sovereignty over the water between the northern Canadian islands...which dot the Northwest Passage.”<sup>72</sup> The motion was inspired by the tabling of a report by the Standing Committee on Indian Affairs and Northern Development which called for the same action.<sup>73</sup> The government opposed the motion and expressed concern that if it was forced to vote no, there could be “serious international repercussions for Canada,”<sup>74</sup> effectively “making explicit its doubts as to the strength of the Canadian sovereignty claim in international law.”<sup>75</sup> The government was able to sidestep the motion, but the calls for immediate and decisive action did not subside as NDP Leader Tommy Douglas accused the government of “diplomatic pussyfooting.”<sup>76</sup> The debate over the motion sparked another round of media and public outrage over the government’s “resolute timidity” in settling the matter.<sup>77</sup>

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<sup>69</sup> Mitchell Sharp, quoted in, *ibid.*

<sup>70</sup> “Batten the hatches!” *The Globe and Mail*, 21 February 1970, p. 6. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>71</sup> See John Dafoe, “Trudeau restates claim to Arctic islands,” *The Globe and Mail*, 16 May 1969, p. 3. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009]; Lyndon Watkins, “Canada must insist on control in Arctic: MP,” *The Globe and Mail*, 8 September 1969, p. 1. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>72</sup> Donald Newman, “Soft-pedal on Arctic sovereignty challenged by Tory,” *The Globe and Mail*, 20 January 1970, p. 2. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>73</sup> *Ibid.*

<sup>74</sup> “Showdown looms as Speaker rules on debate on Arctic sovereignty,” *The Globe and Mail*, 21 January 1970, p. 8. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>75</sup> “Sharp refuses vote on asserting rights in Arctic,” *The Globe and Mail*, 23 January 1970, p. 1. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [16 May 2009].

<sup>76</sup> *Ibid.*

<sup>77</sup> “More than a land mass,” *The Globe and Mail*, 26 January 1970, p. 6. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

After months of political and diplomatic posturing, as well as immense public pressure, the government finally unveiled the AWPPA on April 8, 1970, as well as another bill that set a twelve-mile territorial sea limit extending from the coastline of all islands in the Arctic archipelago. This second bill effectively closed off both entrances into the Northwest Passage, placing them under full Canadian control. The AWPPA set a 100-mile boundary extending outward from the coastline of the outer Arctic islands, creating a zone within which the Canadian government claimed to control all commercial shipping for the purposes of protecting the fragile Arctic ecosystem.

Prime Minister Trudeau stated this was “not an assertion of sovereignty.”<sup>78</sup> In the House of Commons, External Affairs Minister Mitchell Sharp indeed described the AWPPA as a “constructive and functional approach,”<sup>79</sup> chosen because Trudeau believed that “sovereignty for sovereignty’s sake was a hollow and self-defeating concept.”<sup>80</sup> That same day, the government announced that it would “no longer respect the authority of the [ICJ]” over matters of pollution in the Arctic Ocean.<sup>81</sup> But it stressed that it chose to reserve judgement on the AWPPA not because it felt it was acting “in *breach* of international law, rather, in the special Arctic circumstances, we were acting on behalf of the international community in the *absence* of applicable law.”<sup>82</sup> The next step would be to bring the rest of the world onside.

Public and media reaction to the AWPPA was extremely positive; the Trudeau government had capitalized on the rampant nationalism that the *Manhattan* voyages had stirred among Canadians. *The Globe and Mail* called the measure “bold and necessary,”<sup>83</sup> and the *Toronto Star* “was ecstatic,”<sup>84</sup> proclaiming the bill “a diplomatic feat of the sort to which Canadians have not been treated for as long as memory serves, executed with finesse and daring

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<sup>78</sup> John Burns, “Canada to set 12-mile limit, 100-mile Arctic control zone,” *The Globe and Mail*, 9 April 1970, p. 1. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>79</sup> Mitchell Sharp, quoted in, CB Bourne, ed. *Canadian Yearbook of International Law*, 1971 (Vancouver, UBC Press, 1971), 284.

<sup>80</sup> Ivan L. Head and Pierre Elliott Trudeau, *The Canadian Way* (Toronto: McClelland & Stewart Inc.: 1995), 34.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*, 39.

<sup>83</sup> “Bold and necessary,” *The Globe and Mail*, 10 April 1970, p. 6. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [18 May 2009].

<sup>84</sup> Saywell, 352.



– if at the 11<sup>th</sup> hour.”<sup>85</sup> Canadians were delighted by their government’s “creativity and cleverness.”<sup>86</sup>

There were a few detractors. Opposition leader Robert Stanfield criticized the government for not making a definitive statement on sovereignty, while the NDP lamented the government’s decision not to recognize the authority of the ICJ in this matter.<sup>87</sup> But the opposition’s cries were derided and mocked; *The Globe and Mail* deemed the opposition’s disapproval “unreasonable.”<sup>88</sup> The *Winnipeg Free Press* published a negative editorial following the announcement of the AWPPA, stating that the bill would “acquire substance only if it is generally recognized or enforceable. In the latter regard we are a nation of limited means.”<sup>89</sup> But the public did not seem to care that there was no definitive statement on Arctic sovereignty, nor care how the AWPPA was to be enforced; in fact, “the domestic demand for a straightforward declaration of sovereignty died almost instantly.”<sup>90</sup>

### 2.3 US Response to the AWPPA

As media and public attention waned in Canada, the interest of the US Administration in the actions of the Trudeau government increased. Washington’s condemnation of the AWPPA was swift and fierce; the State Department delivered a diplomatic note of protest a few days after the announcement. The note argued that “international law provides no basis for these proposed unilateral extensions of jurisdictions on the high seas, and the USA can neither accept nor acquiesce in the assertion of such jurisdiction.”<sup>91</sup> For the US, Canadian assertion of jurisdiction in the Arctic was “an issue of precedent and principle, not one of national security;”<sup>92</sup> if the US recognized Canada’s sovereignty over the Northwest Passage, other countries would seek to assert control over their own straits.

The US reaction to the AWPPA was not unexpected. Throughout 1969 and early 1970, Washington had sent a number of diplomatic notes to the Canadian government regarding its

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<sup>85</sup> James Eayrs, “Fighting off the buccaneers in the Arctic,” *Toronto Star*, 14 April 1970, p. 6. [Online Database Subscription]: Toronto Star – Pages of the Past [20 May 2009].

<sup>86</sup> Kirton and Munton, 93.

<sup>87</sup> Stan McDowell, “Stanfield attacks PM’s move to guard Arctic,” *Toronto Star*, 9 April 1970, p. 10. [Online Database Subscription]: Toronto Star – Pages of the Past [20 May 2009].

<sup>88</sup> “Bold and necessary,” *ibid.*

<sup>89</sup> Quoted in Saywell, 352.

<sup>90</sup> Kirton and Munton, 93.

<sup>91</sup> Bourne, ed., *Canadian Yearbook of International Law*, 1971, 288.

<sup>92</sup> Elliot-Meisel, 419.

position on the Arctic; it argued that if Canada made any attempt to assert control over the region, the US would be forced to denounce the move in order to protect its naval interests worldwide.<sup>93</sup> However, not everyone in the US reacted negatively. Mike Gravel, a US Senator from Alaska, said that the US “should be the first to recognize intelligent innovation on the Canadian side.”<sup>94</sup> The *Washington Post* stated that Canada was simply “moving in to occupy a vacuum in the hope that disastrous oil spills may be avoided instead of merely being fought over after possibly permanent damage has been done.”<sup>95</sup> The US knew that “Canada would win the battle for world public opinion,” so it decided to take a more measured approach.<sup>96</sup>

While Canadian diplomats began to criss-cross the globe in search of international support for their innovative piece of legislation, the US sent out invitations to a proposed international conference that would seek to create an “international regime for Arctic areas beyond national jurisdiction.”<sup>97</sup> There was veiled concern amongst Canadian officials as to the “real extent of the US agenda;” accordingly, Canada began a series of “informal consultations” in hopes of building consensus and heading off any attempts by the US to control the agenda.<sup>98</sup> Canada was highly successful, gaining support from all circumpolar countries, including the Union of Soviet Socialist Republics (USSR). It won the public relations battle, reducing the power and influence of the US in shaping international maritime law.<sup>99</sup> By the end of 1970, the UN Secretary General called for a Law of the Sea Conference to take place in New York in 1973.

In the ensuing years, Canada worked tirelessly towards negotiating a UN resolution that would protect the fragile Arctic environment and validate the AWPPA in the eyes of international law. Five years later, Article 234, titled “Ice-Covered Areas” was adopted.<sup>100</sup> The Article states that “Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone.”<sup>101</sup> But while negotiating

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<sup>93</sup> Head and Trudeau, 32, 35, 42, 43.

<sup>94</sup> *Ibid.*, 58.

<sup>95</sup> *Ibid.*

<sup>96</sup> Kirton and Munton, 94.

<sup>97</sup> *Ibid.*

<sup>98</sup> Head and Trudeau, 58

<sup>99</sup> Kirton and Munton, 95.

<sup>100</sup> Article 234 was included in the 1982 UNCLOS agreement.

<sup>101</sup> *United Nations Convention on the Law of the Sea*, Part XII: Protection and Preservation of the Marine Environment, Article 234, “Ice-covered areas,” 10 December 1982. Available online: <<http://www.un.org/>

Article 234 was considered “a major policy success,” the fact that the US did not sign (and still has not signed) the United Nations Convention on the Law of the Sea (UNCLOS) made it difficult for Canadian officials to declare complete victory. The US position on Article 234 was viewed as “ambiguous,” making it difficult to gauge whether or not the US recognized the AWPPA as legitimate.<sup>102</sup>

## 2.4 Dealing with the US

According to John Holmes, the AWPPA “asserted the right of a lesser power not only to challenge but also to push along international law when the great powers [are] intransigent.”<sup>103</sup> This approach reflects the *global order* strategy – to take the lead and define the Arctic issue within a larger perspective that calls for an “alternative global order.”<sup>104</sup> In this case, pursuing diplomacy in a new area of environmentalism produced an alternative to directly opposing or appeasing the US. Andrew Cooper terms this type of diplomatic activity as ‘constructive internationalism,’ whereby Canada focuses its energy on collaborating and consulting with other powers to create coalitions which work through international institutions towards building international norms and rules. The underlying motive of constructive internationalism is that the establishment of international norms and rules is a means to an end; it creates the best possible environment in which Canada can pursue its national interests and offset the power of the US.<sup>105</sup>

John Holmes aptly observes that Canadians “find security in the Americans’ power and insecurity in considering what wild things they might do with it.”<sup>106</sup> In this case, insecurity certainly existed amongst Canadian policy makers, who feared how the US Administration might respond to any direct pronouncements of Canadian control over the Arctic. As the weaker partner in the Canada-US relationship, Canada has sometimes sought “to appeal to the stronger power’s ultimate sense of fairness.”<sup>107</sup> In this case, it sought to give the idea of environmental protection enough global currency that the US, feeling the weight of international pressure, would at least temper its response to Canada’s actions.

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depts/los/convention\_agreements/texts/unclos/part12.htm> (21 May 2009).

<sup>102</sup> McRae, 112-113.

<sup>103</sup> John Holmes, “Most Safely in the Middle,” *International Journal* 39, no. 2 (Spring 1984): 376.

<sup>104</sup> Kirton, *Canadian Foreign Policy in a Changing World*, 266.

<sup>105</sup> Andrew Cooper, *Canadian Foreign Policy: Old Habits and New Directions* (Scarborough, ON: Prentice-Hall Allyn and Bacon Canada, 1997), 36-37.

<sup>106</sup> Holmes, *Life with Uncle*, 107.

<sup>107</sup> *Ibid.*, 44.

Trudeau sidestepped the question of sovereignty and instead focused on the state's right to "defend its environmental integrity."<sup>108</sup> The lack of international consensus on environmental and law of the sea issues allowed the Canadian government to take the lead and act so as to help move international law forward on these questions. This was one way, an innovative way, of working to counterbalance US power in the international system, as well as allow Canada to pursue its own interests. Holmes lauded Trudeau's approach because it "avoided direct confrontation and produced a new idea...It was a compromise but one which gave us what we needed without unnecessary defiance."<sup>109</sup> The approach both appeased the Canadian public's desire for action and took the issue out of US hands and placed it in the international arena.

## 2.5 Conclusion

Public pressure and intense Canadian nationalism were the main forces driving the policy agenda following the announcement of the *Manhattan* voyages. The Trudeau government found an innovative, albeit uncertain, means of asserting Canada's presence in the Arctic. It did so because of two factors: concerns about damaging Canada's relationship with the US, and the lack of an international maritime law regime. It chose not to attempt to assert full control over the Arctic archipelago, as this could create serious tensions between Canada and the US. It also might force a hearing before the ICJ, which, even if Canada was not bound to accept its ruling, might have harmed Canada's chances of getting the desired international judgment in the future. The Trudeau government was not going to take such a chance, but instead pursued an approach that emphasized the need for an agreed upon international maritime law regime.

Despite all of the attention given by the national press to the conflict between Canada and the US over the AWPPA, in the years that followed, the issue of Arctic sovereignty fell to the bottom of the list of government policy priorities in Canada. However, it reappeared at the top of that list in 1985 when a US Coast Guard icebreaker, the *Polar Sea*, traversed the Northwest Passage without Canadian permission.

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<sup>108</sup> McRae, 101.

<sup>109</sup> Holmes, *Life with Uncle*, 70.

## CHAPTER 3: MULRONEY AND THE *POLAR SEA* INCIDENT

### 3.1 Background

In late June 1985, the PC government, under Prime Minister Brian Mulroney, announced that the US Coast Guard icebreaker *Polar Sea* would travel through the Northwest Passage in August.<sup>110</sup> The US Administration characterized the voyage as a simple time-saving measure, as it needed the *Polar Sea* to both resupply the US airforce base in Thule, Greenland, and complete its patrol of the Western Arctic. The *Northwind*, an older US icebreaker, normally undertook the supply mission to Greenland, but mechanical problems kept it at home. The US Coast Guard decided to send the *Polar Sea* through the Northwest Passage rather than the Panama Canal as a means of ensuring that both the resupply and patrol missions would be carried out in a timely manner.<sup>111</sup>

The US Coast Guard informed the Canadian government of its plans in late May 1985. Well aware of the public furor that had erupted over the voyage of the *Manhattan*, Washington took great care in emphasizing the “practical nature” of the expedition.<sup>112</sup> And as a sign of its willingness to cooperate, US officials invited Canada to participate in research aboard the icebreaker during the trek.<sup>113</sup> The US believed that because the *Polar Sea*’s voyage was “of an operational nature,” and the ship was a government ship and not a commercial one, the voyage would be seen as “less threatening.”<sup>114</sup> Canada seemed to agree, stating in a diplomatic note to the US, dated June 11, 1985 that although it considered the waters of the Arctic archipelago to be Canadian waters, it was willing to cooperate and “would welcome an early opportunity to consult with the United States on all matters related to the voyage.”<sup>115</sup> The Canadian government did not ask the US to seek permission for the *Polar Sea* expedition. US officials

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<sup>110</sup> Jeff Sallot, “Arctic voyage raises problems in diplomacy,” *The Globe and Mail*, 21 June 1985, p. 8. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>111</sup> Rob Huebert, “Polar vision or tunnel vision: The making of Canadian Arctic waters policy,” *Marine Policy* 19, no. 4 (July 1995): 344.

<sup>112</sup> Rob Huebert, “A Northern Foreign Policy: The Politics of Ad Hocery,” in *Diplomatic Departures: The Conservative Era in Canadian Foreign Policy, 1984-93*, eds. Nelson Michaud and Kim Richard Nossal (Vancouver: UBC Press, 2001), 85.

<sup>113</sup> Huebert, “Polar vision or tunnel vision,” 345.

<sup>114</sup> Ibid.

<sup>115</sup> Canada, Department of External Affairs, Canadian Embassy, Washington, DC, Note no. 331, 11 June 1985, quoted in J. Ashley Roach and Robert W. Smith, *United States Responses to Excessive Maritime Claims* (Boston: Martinus Nijhoff Publishers, 1996), 344-345.

thought that the voyage was approved and that they could go ahead without need for any further diplomatic exchange.<sup>116</sup>

However, the position taken by the Canadian government changed. The *Polar Sea* was to begin its journey on August 1; on July 31, Ottawa delivered another diplomatic note to the US. While expressing disappointment at the unwillingness of the US to recognize Canadian sovereignty over the Northwest Passage, the note gave Canada's consent for the *Polar Sea*'s voyage – despite the fact that the US had not sought it.<sup>117</sup> The media took note and set in motion an outpouring of nationalist sentiment from Canadians, much as the *Manhattan* voyage had done fifteen years earlier.

The Mulroney government followed up on September 10, 1985, when External Affairs Minister Joe Clark announced six measures designed to assert Canadian sovereignty in the north. The Canadian government intended to: draw straight baselines around the Arctic archipelago, withdraw the 1970 ICJ reservation on the AWPPA, increase aircraft and naval patrols in the north, construct a new icebreaker, enact the Canadian Laws Offshore Application Act, and open negotiations with the US over the status of the Northwest Passage.<sup>118</sup> These measures eventually resulted in the signing of the ACA with the US in January 1988, as well as a series of decisions by the Mulroney government to order a number of military aircraft and naval vessels to patrol the Arctic and enforce Canadian sovereignty.

### 3.2 Initial Canadian Response

Public response to the *Polar Sea* voyage was strong, swift, and mostly negative, just as it had been when the *Manhattan* traversed the Northwest Passage. One positive response to the *Polar Sea*'s expedition came from the mayor of Frobisher Bay, Northwest Territories (NWT), who expressed hope that the media coverage would force the government to create a policy for the north and lead to the economic development of his community.<sup>119</sup> However, most northerners, particularly the Inuit, were vocal in expressing their fears that the voyage could have

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<sup>116</sup> Huebert, "Polar vision or tunnel vision," 346.

<sup>117</sup> Canada, Department of External Affairs, Canadian Embassy, Washington, DC, Note no. 433, 31 July 1985, quoted in J. Ashley Roach and Robert W. Smith, *United States Responses to Excessive Maritime Claims* (Boston: Martinus Nijhoff Publishers, 1996), 346-348.

<sup>118</sup> Canada, Department of External Affairs, *Statements and Speeches*, 85/7, "Policy on Canadian Sovereignty," Joe Clark, House of Commons, Ottawa, 10 September 1985.

<sup>119</sup> "Northern mayor applauds voyage of *Polar Sea*," *Toronto Star*, 11 August 1985, p. A8. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

“far-reaching implications for effective environmental control in the Arctic.”<sup>120</sup> Inuit Tapirisat of Canada released a statement in which the organization vowed to protect its interests by lobbying the international community if the Canadian government could not and did not assert sovereignty.<sup>121</sup> The Inuit were mainly disappointed at the government’s unwillingness to “protect the rights of the people [in the north] and of its citizens” whose economic livelihood was threatened if the Northwest Passage became vulnerable to environmental threats posed by shipping.<sup>122</sup>

A number of interest groups also condemned the *Polar Sea*’s voyage and the Canadian government’s lack of action on the Arctic. The Canadian Arctic Resources Committee characterized the government’s response as “weak and indecisive,” as an attempt to appease Canadians through “symbolic gestures,” such as placing a couple of Canadians onboard the *Polar Sea* to ensure that the AWPPA was not violated.<sup>123</sup> The Council of Canadians waged a protest against the voyage, calling for the Canadian government to remove its “token, powerless observers” from the ship and charge the US with violating Canadian sovereignty.<sup>124</sup> The group, in tandem with a number of Inuit interest groups, raised money to rent a plane which dropped a canister on to the deck of the *Polar Sea*. The canister included a couple of Canadian flags as well as a number of messages for the US government. One message asked the *Polar Sea* and its crew to “go back where they came from.”<sup>125</sup>

In Parliament, the opposition parties took advantage of the public furor and chastised the government for its failure to act. In late July, External Affairs critic Jean Chrétien denounced the Mulroney government. Stating that Mulroney was “very soft on the Americans,” Chrétien accused the Prime Minister of “cronyism” and implied that his friendly personal relations with senior US officials were causing him to forget to protect Canadian interests.<sup>126</sup> On August 4,

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<sup>120</sup> Rudy Platiel, “Voyage of US ship a violation of sovereignty, Inuit fear,” *The Globe and Mail*, 10 July 1985, p. 17. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>121</sup> Ibid.

<sup>122</sup> Mark R. Gordon, “What Sovereignty Really Means,” *Northern Perspectives* 13, no. 3 (May-August 1985): 8.

<sup>123</sup> “Being there,” *Northern Perspectives* 14, no. 4 (September-October 1986): 1.

<sup>124</sup> “*Polar Sea* protest planned for Arctic,” *The Globe and Mail*, 6 August 1985, p. 5. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>125</sup> Matthew Fisher, “*Polar Sea* gets the message as plane drops flags on deck,” *The Globe and Mail*, 9 August 1985, p. 1, 8. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>126</sup> Elaine Carey, “Trip by US ship called threat to Arctic sovereignty,” *Toronto Star*, 23 July 1985, p. 1. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

Chrétien accused Mulroney of putting Canadian sovereignty at risk.<sup>127</sup> That same day, both the Liberals and the NDP called on the Mulroney government to refer the dispute over the Northwest Passage to the ICJ.<sup>128</sup> A week later, Opposition leader John Turner stated that Mulroney was “not doing his job” and termed his inaction as “unacceptable.”<sup>129</sup> Later that same month, Turner called the *Polar Sea*’s voyage “an affront to Canadians.”<sup>130</sup>

The government also felt pressure from the academic community. It was, in fact, a professor from the University of Toronto who first informed the Canadian public of the *Polar Sea*’s upcoming voyage.<sup>131</sup> Professor Franklyn Griffiths was adamant that the government make its presence felt in the north: “We’ve got to get up there. We’ve got to put up or shut up about our Arctic sovereignty...to put it simply, use it or lose it.”<sup>132</sup> Other critics of government policy included Professor Donat Pharand, a leading expert on UNCLOS and jurisdictional issues in the Canadian north, who pressed the government to spend the money necessary to procure an icebreaker and other surveillance equipment: “Surely the price of sovereignty can never be too high.”<sup>133</sup> He also stated that the government should draw straight baselines around the Arctic archipelago: “Canada should take the bull by the horns, draw the lines on the map and say to the world that those waters are internal waters of Canada.”<sup>134</sup> Robert Macdonald, an expert in international law, agreed with both Pharand and Griffiths in stating that the government needed to “adopt a policy that will lead to a stronger presence in the Arctic.”<sup>135</sup> All three experts pushed the Mulroney government to not be afraid to take the Arctic sovereignty issue to the ICJ.

Across the country, newspapers joined the public in urging the Mulroney government to take action. Concurring with both Arctic and legal experts, much of the written press recommended that the government refer the Northwest Passage dispute to the ICJ and build an

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<sup>127</sup> “PM risking the Arctic, Chrétien says,” *Toronto Star*, 4 August 1985, p. 1. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

<sup>128</sup> Ibid., p. A14.

<sup>129</sup> Val Sears, “Turner attacks PM over *Polar Sea* voyage,” *Toronto Star*, 10 August 1985, p. A8. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

<sup>130</sup> “Canada considering bigger role in Arctic,” *The Globe and Mail*, 22 August 1985, p. A5. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>131</sup> Franklyn Griffiths, “Arctic authority at stake,” *The Globe and Mail*, 13 June 1985, p. 7. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>132</sup> “Use Arctic or lose it, professor tells panel,” *The Globe and Mail*, 30 July 1985, p. 4. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>133</sup> Miro Cernetig, “Experts press for Arctic boundaries,” *The Globe and Mail*, 17 August 1985, p. 8. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>134</sup> Margaret Munro, “US Arctic voyage stirs debate; Canadian sovereignty undermined, critics say,” *The Montreal Gazette*, 17 July 1985, p. A8. [Online Database Subscription]: Canadian Newsstand [28 May 2009].

<sup>135</sup> Cernetig, *ibid.*



icebreaker to both patrol and protect the north.<sup>136</sup> *The Globe and Mail* also criticized the US' role in the dispute, describing its behaviour as "contempt for a feckless friend."<sup>137</sup> *The Toronto Star* agreed with *The Globe and Mail*'s characterization of the US, stating that "even friends need invitations."<sup>138</sup> Many also warned that if the government did not take steps to resolve the dispute, sovereignty in the north might be lost: "If Canada doesn't exercise its sovereignty in the north, some other country might."<sup>139</sup> *The Globe and Mail* argued that "in the long term, it could prove both more costly and more risky to abdicate control of Arctic waters than to exercise it."<sup>140</sup> It also claimed that the public outcry over the *Polar Sea*'s voyage was not simply "an expression of petty nationalism," but a genuine outpouring of concern over "Canada's economic, environmental and strategic interests."<sup>141</sup> A former captain with the Canadian navy said that Canadians were "overreacting" to the *Polar Sea*'s trek.<sup>142</sup> But his opinion was in the minority, and the Mulroney government was forced into action.

The six policy initiatives announced by External Affairs Minister Joe Clark on September 10, 1985, were designed to both assert and enhance Canadian sovereignty in the Arctic. In the introduction of his statement to the House of Commons, Clark remarked that:

"The voyage of the *Polar Sea* demonstrated that Canada, in the past, had not developed the means to ensure our sovereignty over time. During that voyage, Canada's legal position was fully protected, but when we looked for ways to exercise our sovereignty we found that the Canadian cupboard was nearly bare."<sup>143</sup>

Two of the six initiatives were introduced to specifically address the lack of surveillance, as well as surveillance equipment, in the Arctic: the government planned to increase both air and naval patrols and to build a Polar 8 icebreaker. Related to these initiatives was the introduction of

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<sup>136</sup> "All in the family," *The Globe and Mail*, 8 August 1985, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009]; "Lines in the Arctic," *The Globe and Mail*, 23 August 1985, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009]; "Use it or lose it," *The Montreal Gazette*, 18 July 1985, p. B2. [Online Database Subscription]: Canadian Newsstand [28 May 2009]; Jeffrey Simpson, "Tell it to the Court," *The Globe and Mail*, 2 August 1985, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>137</sup> "All in the family," *ibid.*

<sup>138</sup> "Even friends need invitations," *Toronto Star*, 24 July 1985, p. A18. [Online Database Subscription]: *Toronto Star* - Pages of the Past [28 May 2009].

<sup>139</sup> "Use it or lose it," *ibid.*

<sup>140</sup> "For the defence of sovereignty (2)," *The Globe and Mail*, 2 August 1985, p. 6. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>141</sup> *Ibid.*

<sup>142</sup> "Use Arctic or lose it, professor tells panel," *ibid.*

<sup>143</sup> Joe Clark, "[Canadian Sovereignty]," in Canada, Parliament, House of Commons, *Debates*, 33rd Parliament, 1st Session, Vol. 5 (10 September 1985): 6462-6463 (Ottawa: Canadian Government Publishing, 1985).

legislation to enact the Canadian Laws Offshore Application Act, which would enhance the legal powers of the government to regulate offshore activities in the Arctic Ocean.

Clark's other three initiatives had international ramifications. First, the Canadian government would be withdrawing its reservation of the AWPPA from the ICJ. This signalled the government's confidence that international maritime law had evolved to the point where the AWPPA would be upheld if challenged. Second, the government would draw straight baselines around the entire Arctic archipelago, declaring all of the waters between the islands to be internal Canadian waters. The third initiative would be an opening of negotiations with the US Administration to establish a regime of cooperation between Canada and the US on the Arctic, albeit with the proviso that the US show and acknowledge "full respect for Canada's sovereignty."<sup>144</sup> He insisted that the *Polar Sea's* voyage "left no trace on Canada's Arctic waters and no mark on Canada's Arctic sovereignty."<sup>145</sup> It was evident that the Canadian public had pressured the government into taking action.

### 3.3 The Arctic Cooperation Agreement (ACA)

The US response to these initiatives was mixed. While it "welcomed" the opportunity to negotiate the status of the Northwest Passage,<sup>146</sup> Washington expressed "regret" that Canada declared straight baselines around the Arctic archipelago and stated that it "had no intention of backing away from...claims to unrestricted sailing rights in the far north."<sup>147</sup> Negotiations with the US began in the fall of 1985, soon after Clark's announcement.<sup>148</sup>

Canada entered into the negotiations with the goal of attaining US recognition of Canadian sovereignty in the Arctic.<sup>149</sup> Its secondary goal, if the first one became unattainable, was to "gain some 'control' over transits made by US vessels [through the Northwest Passage], both government and commercial. In exchange, Canada would provide assurances for the passage of US vessels – assurances that would meet their security and commercial concerns."<sup>150</sup>

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<sup>144</sup> Ibid., 6463.

<sup>145</sup> Ibid.

<sup>146</sup> Jeff Sallot, "Ottawa acts to strengthen Arctic claims," *The Globe and Mail*, 11 September 1985, p. 1, 5. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>147</sup> Peter Goodspeed, "US won't back down on Arctic, officials say," *Toronto Star*, 12 September 1985, p. 5. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

<sup>148</sup> Kirkey, 405. This article provides a complete and very detailed account of the Arctic Cooperation Agreement negotiations.

<sup>149</sup> Elliot-Meisel, 417.

<sup>150</sup> Huebert, "A Northern Foreign Policy," 92.

However, Canada could not be seen as “acquiescing to the Americans.”<sup>151</sup> The Mulroney government had “political motivations to defuse an issue that if left unresolved could have potentially detrimental electoral consequences in the immediate future (that is, in the next federal election).”<sup>152</sup>

The first phase of negotiations ran from late 1985 into spring of 1986 and involved lower-level government bureaucrats from both sides. During these months, Canada demanded that the US recognize full Canadian sovereignty over the Northwest Passage in exchange for guaranteeing passage for all US ships and submarines. The US refused to accept Canadian sovereignty over the region and stuck to its claim that the Northwest Passage remained an international strait. This period of the bargaining process focused on trying to “address the problem from a legal standpoint,”<sup>153</sup> and negotiations ended in a stalemate.<sup>154</sup>

Negotiations resumed soon after Prime Minister Mulroney visited US President Ronald Reagan at the White House in March 1986. Mulroney raised the issue of Arctic sovereignty with Reagan in private meetings, hinting that if the US did not relent at least somewhat on its hard-line position, the Northwest Passage might become open to international traffic. In his memoirs, Mulroney recalls that he tried to get Reagan to realize that an open Northwest Passage would compromise US security interests by allowing the USSR easy access to North America. Reagan replied, “We won’t challenge your sovereignty...We should work toward an arrangement.”<sup>155</sup> The following day the President reiterated his position: “Let the sovereignty issue lie where it is...Anything we do [in Canadian Arctic waters] will be with your permission.”<sup>156</sup>

Canadian External Affairs Minister Joe Clark and US Secretary of State George Schultz appointed special envoys to oversee the resumption of negotiations. Mulroney’s Chief of Staff, Derek Burney, represented Canada, and Ed Derwinski, Under-Secretary of State, represented the US Administration. There seemed to be an urgency on the US side to come to an agreement as soon as possible; Derwinski said that he received a phone call from the President with orders to “get this [agreement] nailed down.”<sup>157</sup> A year later, in March 1987, an agreement had still not

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<sup>151</sup> Elliot-Meisel, 417-418.

<sup>152</sup> Kirkey, 406.

<sup>153</sup> Barry Mawhinney, quoted in Kirkey, 408.

<sup>154</sup> Kirkey, 408-410.

<sup>155</sup> Brian Mulroney, *Memoirs: 1939-1993* (Toronto: McClelland & Stewart, 2007), 430.

<sup>156</sup> Ibid., 431.

<sup>157</sup> Ed Derwinski, quoted in Kirkey, 411.

been reached, although speculation emerged that one was imminent.<sup>158</sup> Clark's Chief of Staff, Jodi White, called the reports "premature" and stated that the US had "still not recognized Canadian sovereignty in the North and it is those difficulties and differences which we are trying to work out through these talks."<sup>159</sup> It appeared that both sides had reached another impasse.

It took yet another intervention from Reagan again to spur the negotiations to their conclusion. The President visited Mulroney in Ottawa in April 1987, who stressed the political consequences for his government if an agreement was not reached soon. When Reagan reaffirmed his government's position that the Northwest Passage was an international strait, Mulroney said, "If this is your position, and there is a direct bloody challenge to our sovereignty, I'll be obliged to take all kinds of action to ensure that my government is not blown out of the water. This is a grave, grave matter."<sup>160</sup> The following day, in a meeting between Reagan, Mulroney and Clark, Mulroney pointed out the location of the Northwest Passage on a globe to Reagan and stated, "Ron, that's ours. We own it lock, stock, and icebergs."<sup>161</sup> Reagan replied that the Northwest Passage did seem to be a part of Canada's internal waters and said, "That's not the same as the map they showed me on Air Force One...All the islands are Canadian."<sup>162</sup> Clark then added that the Inuit live on the islands of the Arctic archipelago and use the winter ice as a means of transportation; "that is what makes it different," Clark stated.<sup>163</sup> The encounter seemed to make Reagan sympathetic to the Canadian claim, and he told his officials to reach some sort of compromise.<sup>164</sup>

The result was the ACA, signed on January 11, 1988. Both parties essentially agreed to disagree on the status of the Northwest Passage, but cooperate in order to serve both the security and the political interests of each nation. As Derek Burney put it, "Eventually, we settled on a solution that reflected more or less what neighbours would do...I don't mind you cutting across my lawn to go to the corner store, provided you ask first."<sup>165</sup>

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<sup>158</sup> Joe O'Donnell, "Arctic accord with US 'moving along' Ottawa claims," *Toronto Star*, 23 March 1987, p. A1, A4. [Online Database Subscription]: Toronto Star – Pages of the Past [28 May 2009].

<sup>159</sup> Ibid.

<sup>160</sup> Mulroney, 497.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid., 497-498.

<sup>163</sup> Ibid., 498.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid., 500.

At first glance, the ACA appeared to be a victory for the Canadian government, as the third article stated that “The Government of the United States pledges that all navigation by US icebreakers within waters claimed by Canada to be internal will be undertaken with the consent of the Government of Canada.”<sup>166</sup> But the agreement was more notable for what it did not include than what it did. There was no US recognition of Canadian sovereignty in the Arctic: “Nothing in this agreement of cooperative endeavour between Arctic neighbours and friends nor any practice thereunder affects the respective positions of the Governments of the United States and of Canada.”<sup>167</sup> Moreover, the ACA only covered passage for US icebreakers; passage for submarines was not addressed. The *Toronto Star*’s Gordon Barthos wrote that “all the new deal means is there’ll be no more unexpected and politically damaging US jaunts through the Arctic.”<sup>168</sup> The agreement had basically “ignored the question of sovereignty.”<sup>169</sup>

Still, before the public, both the Canadian and US governments viewed the ACA as “mutually satisfactory.”<sup>170</sup> Mulroney stated the agreement was “an important step forward for Canada...that is fully consistent with the requirement of Canadian sovereignty in the Arctic...What we have now significantly advances Canadian interests.”<sup>171</sup> Reagan remarked that the ACA represented “a pragmatic solution based on our special bilateral relationship, our common interest in cooperating on Arctic matters, and the nature of the area. It is without prejudice to our respective legal positions.”<sup>172</sup> Canada’s Ambassador to the US, Allan Gotlieb, asserted that “the Mulroney government did extract an important concession from the US...as sovereignty is only a bundle of rights, the most important of which is control over the territory concerned, and as Canada did gain additional control...Canada’s sovereignty was enhanced.”<sup>173</sup> Derek Burney argued that even though the text of the agreement did not include “explicit recognition” of Canadian sovereignty in the Arctic, there was a measure of “implicit

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<sup>166</sup> Arctic Cooperation Agreement, *ibid.*

<sup>167</sup> *Ibid.*

<sup>168</sup> Gordon Barthos, “US subs allowed to patrol Arctic despite new pact,” *Toronto Star*, 12 January 1988, p. A18. [Online Database Subscription]: *Toronto Star – Pages of the Past* [28 May 2009].

<sup>169</sup> “Canada-US deal ignores sovereignty,” *Toronto Star*, 12 January 1988, p. A1, A18. [Online Database Subscription]: *Toronto Star – Pages of the Past* [28 May 2009].

<sup>170</sup> Kirkey, 418.

<sup>171</sup> “Statement by Assistant to the President for Press Relations Fitzwater on the Canada-United States Agreement on the Arctic,” *The Public Papers of President Ronald W. Regan*, 11 January 1988. Available online: <<http://www.reagan.utexas.edu/archives/speeches/1988/011188b.htm>> (28 May 2009).

<sup>172</sup> *Ibid.*

<sup>173</sup> Allan Gotlieb, *‘I’ll be with you in a minute, Mr. Ambassador:’ The Education of a Canadian Diplomat in Washington* (Toronto: University of Toronto Press, 1991), 113-114.

recognition.”<sup>174</sup> Although many derided the agreement for its failure to gain US recognition of Canadian sovereignty, the ACA seemed to somewhat appease the Canadian public. That some progress had been made was suggested when in 1988, the US Administration formally requested permission for one of its icebreakers, the *Polar Star*, to sail through the Northwest Passage.<sup>175</sup>

### 3.4 The 1987 White Paper

In June 1987, the Mulroney government unveiled a plan to modernize Canada’s defence forces. Entitled *Challenge and Commitment: A Defence Policy for Canada* (the White Paper), the document stated that “the primary means with which Canadian security policy is implemented, the Canadian Forces, have been sadly neglected...Decades of neglect must be overcome.”<sup>176</sup> The White Paper was, in large part, a response to the *Polar Sea* voyage<sup>177</sup> and it renewed Canada’s commitment to being a “three-ocean” nation.<sup>178</sup> Defence Minister Perrin Beatty was well aware of the inability of the Canadian Forces to properly patrol and survey the Arctic, and he understood that the Arctic was quickly becoming an issue that necessitated action:

“In addition to deterrence and defence, the new thrust of exploration of the seabed and competition for resources that may be found in the Arctic could lead to disputes about sovereignty over maritime supremacy and rights of passage. While these are unlikely to be settled by gunboat diplomacy, Canada would be in a much stronger position to press her claims if she possessed adequate capabilities to establish surveillance and presence in the contested waters.”<sup>179</sup>

Canadians could not afford to ignore that “what was once a buffer could become a battleground.”<sup>180</sup>

The White Paper unveiled the government’s plans to enhance surveillance and protection of the Canadian Arctic by procuring six new long-range patrol aircraft and continuing to invest in the development of Canadian underwater sonar systems.<sup>181</sup> Even more importantly, the

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<sup>174</sup> Derek Burney, quoted in Kirkey, 419.

<sup>175</sup> Philip J. Briggs, “The *Polar Sea* Voyage and the Northwest Passage Dispute,” *Armed Forces & Society* 16, no. 3 (Spring 1990): 448-449.

<sup>176</sup> Canada, National Defence and Canadian Forces, *Challenge and Commitment: A Defence Policy for Canada* (Ottawa: Minister of Supply and Service Canada, 1987), 89. Available online: <<http://www.forces.gc.ca/admpol/newsite/downloads/Challenge%20and%20Commitment%201987.pdf>> (28 May 2009).

<sup>177</sup> Adam Lajeunesse, “Sovereignty, Security and the Canadian Nuclear Submarine Program,” *Canadian Military Journal* 8, no. 4 (Winter 2007-2008): 74. Available online: <<http://www.journal.dnd.ca/vo8/no4/doc/lajeunes-eng.pdf>> (28 May 2009).

<sup>178</sup> *Challenge and Commitment*, 49.

<sup>179</sup> Perrin Beatty, “A Defence Policy for Canada,” *Canadian Defence Quarterly* 17, no. 1 (Summer 1987): 8.

<sup>180</sup> *Challenge and Commitment*, 6.

<sup>181</sup> *Ibid.*, 51, 57.

Mulroney government was now planning to buy 10-12 nuclear submarines.<sup>182</sup> In an op-ed to *The Globe and Mail*, Beatty elaborated that the submarines were safe and desperately needed in order to guard all of Canada's waters, particularly those covered by ice: "We cannot abandon our Arctic waters to the submarines of other nations, in peacetime or times of war."<sup>183</sup>

But the announcement of the planned purchase of 10-12 nuclear submarines sparked a fierce debate about Canada's commitment to nuclear disarmament. Although the government went to great lengths to ensure that all Canadians knew that the submarines would not be armed with nuclear weapons,<sup>184</sup> and vehemently denied any intentions to engage in hostilities with ships crossing into Canadian waters,<sup>185</sup> the public expressed deep concern about the use of nuclear submarines. A number of anti-nuclear interest groups, including The Canadian Centre for Arms Control and Disarmament and Greenpeace, strongly denounced plans to purchase the submarines and accused the government of misrepresenting the sovereignty crisis in the Arctic in an effort to strengthen Canada's military.<sup>186</sup> Both the Liberals and the NDP expressed the fear that if the government acquired nuclear submarines, it would "send the wrong signal to the Russians."<sup>187</sup> The opposition parties expressed concern that if the US was drawn into battle with the Russians in the Arctic, Canada would have no choice but to join.<sup>188</sup> The US and the North Atlantic Treaty Organization (NATO) also opposed the Canadian plan, concerned that Canada was "confusing sovereignty with security" and would cut its commitments to continental security and NATO.<sup>189</sup>

But the White Paper was largely supported by the public; in fact, 50% of the Canadian public agreed with the government's plan to acquire nuclear submarines.<sup>190</sup> The *Toronto Star* applauded the government "for beginning a vigorous debate on Canada's role as a non-nuclear country in the nuclear age" and called the White Paper a "thoughtful but cautious document" that

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<sup>182</sup> Ibid., 52-55.

<sup>183</sup> Perrin Beatty, "Why Canada needs nuclear subs," *The Globe and Mail*, 6 June 1987, p. D1. [Online Subscription Database]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>184</sup> *Challenge and Commitment*, 55.

<sup>185</sup> Jeff Sallot, "Subs viewed as 'ultimate force,'" *The Globe and Mail*, 6 June 1987, p. 1. [Online Subscription Database]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>186</sup> Carol Goar, "A 180-degree turn in our defence policy," *Toronto Star*, 6 June 1987, p. B1, B5. [Online Subscription Database]: Toronto Star – Pages from the Past [28 May 2009].

<sup>187</sup> Arch MacKenzie, "Submarine plan sends Russians 'wrong signals' opposition says," *Toronto Star*, 6 June 1987, p. A10. [Online Subscription Database]: Toronto Star – Pages from the Past [28 May 2009].

<sup>188</sup> Ibid.

<sup>189</sup> Charles F. Doran, "Canadian Relations with the United States," *Current History* 87, no. 527 (March 1988): 131.

<sup>190</sup> "50% back subs: poll," *The Ottawa Citizen*, 22 June 1987, p. A4. [Online Subscription Database]: Canadian Newsstand [28 May 2009].

remained true to Canadian values and interests.<sup>191</sup> Vice-Admiral James Wood, Canada's top navy official, stated that the submarines would allow the Navy to actually do its job.<sup>192</sup>

The following year, Beatty released *Defence Update: 1988-89*, which was presented to the House of Commons Standing Committee on National Defence. This report reiterated Canada's commitment to having "A Three-Ocean Navy"<sup>193</sup> and procuring 10-12 nuclear submarines.<sup>194</sup> It also included a number of new commitments, including: establishing new Canadian Ranger patrols in three Inuit communities and continuing to increase funding and equipment for all Rangers; building a new Northern Region Headquarters facility in Yellowknife; constructing forward operating locations for air defence fighter planes in five northern communities; and establishing a northern training centre in Nanisivik.<sup>195</sup> These new commitments, combined with the government's previous plans to procure six new long-range aircraft, develop an underwater sonar system, and construct a Polar 8 icebreaker, demonstrated the Mulroney government's belief that "sovereignty and security [were] intimately connected."<sup>196</sup> However, it remained to be seen whether or not the government would follow through on its commitments.

Within a year of the release of the *Defence Update: 1988-89*, the Cold War was coming to an end and the Mulroney government faced a ballooning deficit; these shifts in both the international and Canadian domestic environment caused the government to pass on the capital commitments outlined in Clark's policy statement of September 10, 1985 and in the 1987 White Paper.<sup>197</sup> When Finance Minister Michael Wilson tabled the government's budget on April 26, 1989, he announced that the government was scrapping its plans to purchase both nuclear submarines<sup>198</sup> and six new long-range aircraft.<sup>199</sup> Public support for the submarines had dropped significantly since their procurement was announced in 1987; in 1988, 60% of the public

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<sup>191</sup> "A policy tune-up for our military," *Toronto Star*, 6 June 1987, p. B2. [Online Subscription Database]: Toronto Star – Pages from the Past [28 May 2009].

<sup>192</sup> "Subs to give us a 3-ocean navy top sailor says," *The Montreal Gazette*, 6 June 1987, p. A6. [Online Subscription Database]: Canadian Newsstand [28 May 2009].

<sup>193</sup> Canada, Department of National Defence, *Defence Update: 1988-89* (Ottawa: Minister of Supply and Services Canada, 1988), 7.

<sup>194</sup> *Ibid.*, 10.

<sup>195</sup> *Ibid.*, 11-13.

<sup>196</sup> Lajeunesse, "Sovereignty, Security and the Canadian Nuclear Submarine Program," 79.

<sup>197</sup> *Ibid.*, 82.

<sup>198</sup> Rosemary Speirs, "No nuclear submarines, and your taxes will go up," *Toronto Star*, 27 April 1989, p. A1. [Online Subscription Database]: Toronto Star – Pages from the Past [28 May 2009].

<sup>199</sup> Joseph T. Jockel, *Security to the North: Canada-US Defence Relations in the 1990s* (East Lansing, MI: Michigan State University Press, 1991), 57.



disapproved of the government's plans, and in 1989, that number had grown to 71%.<sup>200</sup> Defence Minister William McKnight (who took over the defence portfolio from Perrin Beatty in January 1989) stated that the cuts "mean Arctic defence will be left to allies."<sup>201</sup>

Because of the government's cost-cutting measures, the plans for construction of the Polar 8 icebreaker were also in jeopardy. The project had been plagued by a number of setbacks as the military continually redesigned the vessel in response to rising costs.<sup>202</sup> External Affairs Minister Joe Clark stated that the Polar 8 was no longer "the most cost-effective way of achieving the certainty of our sovereignty in the North."<sup>203</sup> The US "quietly welcome[d]" the cancellation of the project, viewing it, along with the nuclear submarine promise, "a misallocation...of already meagre resources."<sup>204</sup>

### 3.5 Dealing with the US

The approach initially taken by the Mulroney government in its September 1985 policy announcement mostly reflected the strategy of *building defences* to reduce Canada's vulnerability to the US. The drawing of straight baselines was designed as a deliberate means of providing a defence against the US. Promises of more air and naval surveillance, along with plans to construct a new icebreaker, were likewise intended to boost Canada's scant military resources in the Arctic and defend against unwanted intrusion by US and other foreign vessels. These initiatives had the effect of both pacifying an angry Canadian public by convincing it that the government was taking significant action, and portraying the government as standing strong against the US.

The Mulroney government also utilized the strategy of *ad hoc adjustment* when the Prime Minister conducted one-on-one discussions with Reagan on the status of the Northwest Passage. Mulroney may have felt that he could extract some sort of special concession from the US

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<sup>200</sup> Jonathan Manthorpe, "Poll says no to nuclear-powered subs," *The Ottawa Citizen*, 26 May 1988, p. A4. [Online Subscription Database]: Canadian Newsstand [28 May 2009]; "Torpedo the subs for budget fairness," *Toronto Star*, 25 April 1989, p. A18. [Online Subscription Database]: Toronto Star – Pages from the Past [28 May 2009].

<sup>201</sup> Paul Koring, "Spending cuts mean Arctic defence will be left to allies, McKnight says," *The Globe and Mail*, 28 April 1989, p. A17. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>202</sup> Paul Koring, "Bouchard delays plans for Polar 8 as cost rises," *The Globe and Mail*, 8 May 1989, p. A1, A5. [Online Database Subscription]: Canada's Heritage from 1844 - *The Globe and Mail* [28 May 2009].

<sup>203</sup> Tim Harper, "Defence ducks another massive cut," *Toronto Star*, 21 February 1990, p. A14. [Online Database Subscription]: Toronto Star – Pages from the Past [28 May 2009].

<sup>204</sup> James L. Graff, "Cold Cuts in the Far North," *Time* 133, no. 24 (12 June 1989): 31.

because of his closeness to the US President. In the end, Mulroney and Reagan did work out a compromise, although, as is often the case, Canada seemed to compromise more than the US did. Some would argue that the outcome of these discussions, and of the negotiations that produced the ACA, can be viewed as evidence of the utilization of the strategy of *deliberate integration*. Undoubtedly, in these cases, Mulroney's intent was to assuage the US Administration and allay its concerns.

The 1987 White Paper again reflects the strategy of *building defences*. The document clearly constituted a reaffirmation of policy initiatives announced by Clark in September 1985, but added was a promise to acquire 10-12 nuclear submarines. The submarine announcement was possibly the strongest proclamation the Mulroney government could make in trying to demonstrate its determination to defend its sovereignty in the north. The announcement sent shockwaves throughout NATO and the US; neither was sure what to make of Canada's sudden interest in building itself up militarily. Once again, the Mulroney government was seeking to solidify its domestic political base. The submarine announcement played well with nationalistic Canadians who wanted their military to have the ability to properly guard the waters of the Arctic archipelago from foreign intruders.

### **3.6 The Arctic Council**

There were two instances when the Mulroney government operated according to a perspective that recognized the possibility of multilateral institutions and processes operating so as to further Canada's interests in the Arctic. One was Clark's announcement on September 10, 1985 that the Canadian government was withdrawing its 1970 ICJ reservation instituted at the time of the enactment of the AWPPA. This initiative demonstrated growing confidence within the Mulroney government that international law supported Canada's position on Arctic issues.

A second and perhaps more striking instance was the Mulroney government's early promotion in 1989 of the idea of an Arctic Council, consisting of representatives of all of the circumpolar countries and having the capacity to resolve differences between the member states regarding jurisdictional questions in that region of the globe.

By the late 1980s, the Cold War had effectively frozen international relations between the USSR and the seven other circumpolar countries (Canada, Iceland, Sweden, Norway, Finland, Denmark/Greenland and the US), as "security concerns prevented the development of any

meaningful international cooperation.”<sup>205</sup> The Canadian Arctic effectively functioned as a buffer of “strategic significance” between the USSR and the US, the front line of an epic confrontation between two superpowers.<sup>206</sup>

All of that changed in 1987. In a speech in the northern Soviet city of Murmansk, USSR President Mikhail Gorbachev called for the Arctic to become “a zone of peace.”<sup>207</sup> With those few words, relations between the circumpolar countries began to thaw and genuine peaceful cooperation between them became a possibility.

Mulroney helped advance the evolving agenda of peaceful cooperation in 1989 when he proposed the creation of an Arctic Council “to coordinate and promote cooperation” between the circumpolar nations.<sup>208</sup> In November 1990, Joe Clark, Secretary of State for External Affairs, announced the Canadian government’s intention to put forward a formal proposal for the Council. The Council was to be an international organization set up “to deal with common interests in the Arctic, including the preservation of a fragile environment, transborder pollution, the cultural conflicts between indigenous Arctic populations and modern societies, developments in transportation and other cold-weather technologies.”<sup>209</sup>

In 1991, the independent, non-governmental Arctic Council Panel tabled a paper entitled, “To Establish an International Arctic Council – A Framework Report” in *Northern Perspectives*, a periodical published by the Canadian Arctic Resources Committee.<sup>210</sup> In the same issue, Professor Donat Pharand set out a draft treaty for the Arctic Council.<sup>211</sup> Unfortunately, the initial discussions of such a Council were not productive, mostly because of US resistance and Washington’s insistence that security issues not be included in the Council’s mandate.<sup>212</sup> But the

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<sup>205</sup> Rob Huebert, “Canadian Arctic security issues,” *International Journal* 54, no. 2 (Spring 1999): 203.

<sup>206</sup> Granatstein, 25.

<sup>207</sup> Mikhail Gorbachev, quoted in, Philip Taubman, “Soviet Proposes Arctic Peace Zone,” *The New York Times*, 2 October 1987, p. A6. [Online Database Subscription]: ProQuest Historical Newspapers – The New York Times (1951-2006) [28 June 2009].

<sup>208</sup> Brian Mulroney, quoted in, Donald R. Rothwell, *The Polar Regions and the Development of International Law* (New York: Cambridge University Press, 1996), 243.

<sup>209</sup> Hugh Winsor, “Ottawa offers \$150-million in food credits to USSR,” *The Globe and Mail*, 29 November 1990, p. A8. [Online Database Subscription]: Canada’s Heritage from 1844 - *The Globe and Mail* [11 June 2010].

<sup>210</sup> Arctic Council Panel, “To Establish an International Council – A Framework Report,” *Northern Perspectives* 19, no. 2 (Summer 1991): 4-17. Available online: <<http://www.carc.org/pubs/v19no2/2.htm>> (28 June 2009).

<sup>211</sup> Donat Pharand, “Draft Arctic Treaty: An Arctic Region Council,” *Northern Perspectives* 19, no. 2 (Summer 1991) 20-23. Available online: <<http://www.carc.org/pubs/v19no2/5.htm>> (28 June 2009).

<sup>212</sup> Canada, Parliament, House of Commons, Standing Committee on Foreign Affairs and International Trade, *Canada and the Circumpolar World: Meeting the Challenges of the Cooperation into the Twenty-First Century* (Ottawa: April 1997), 43. Available online: <[http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07\\_1997-04/fore-07-cov-e.html](http://www.parl.gc.ca/35/Archives/committees352/fore/reports/07_1997-04/fore-07-cov-e.html)> (28 June 2009).

idea clearly had public support in Canada, which would help drive it forward in the years that followed as a distinctive Canadian initiative.

### **3.7 Conclusion**

For a large part of its time in office, the Mulroney government found itself vacillating between utilizing the strategies of *ad hoc adjustment* and *deliberate integration*, on the one hand, and an assertive defence of Canadian sovereignty by *building defences*, on the other. Arguably, Mulroney did make some headway through incremental, bilateral dealings with the US: the ACA could be interpreted as implicitly acknowledging that Canada had a de facto presence in the Arctic. His government was also arguably successful in convincing Canadians that, whatever the US Administration might say about US rights of navigation in the Arctic, the territory remained, in effect, under Canadian control.

But near the end the Mulroney government showed signs of moving away from its inclination to treat Arctic issues as lying solely within the purview of its ongoing relationship with the US Administration. Its promulgation of the idea of an Arctic Council showed that it could see the advantages of the *global order* strategy, where the influence of other actors could be brought to bear. Yet by this time public interest in Canada in the Arctic question had again faded. The changing economic and political climate in Canada in the late 1980s, as the nation's finances fell further into a deficit position, directed the public's attention to other things.

## **CHAPTER 4: CHRÉTIEN, MARTIN AND THE POST-COLD WAR PERIOD**

### **4.1 The Chrétien Years**

Prime Minister Brian Mulroney resigned from office in June 1993. In the October national election that same year, Jean Chrétien and the Liberal Party won a large majority government. Chrétien had a specific Arctic agenda, and his first priority was reviving the idea of an Arctic Council.

The Chrétien years can be divided into three distinct periods, with each period producing separate policies on the Arctic. The first period stretches from Chrétien's election in 1993 until the formation of the Arctic Council in 1996. The second period runs from 1996 to the unveiling of the 2000 Arctic foreign policy document, entitled *The Northern Dimension of Canada's Foreign Policy*, and into 2001. And the final period begins with the terrorist attacks of September 11, 2001, and ends with Chrétien's resignation in December 2003.

### **4.2 The Arctic Council**

The Chrétien government's Arctic policy began to take shape during the 1993 election campaign. The infamous Liberal "Red Book" and its complementary document, the *Foreign Policy Handbook*, contained small but important sections on the Arctic. Placing the Arctic question within a larger social and global framework, the Liberals proposed an Arctic policy that promised to "bring together all Arctic states and peoples into a cooperative arrangement designed to scale back militarization of the Arctic region, preserve the fragile ecosystem and protect the interests of indigenous peoples."<sup>213</sup> In 1993, the end of the Cold War was seen as an opportunity to reconfigure the circumpolar world; it presented the possibility of cooperation and demilitarization.

The "Red Book" outlined three specific policy objectives. First, the Liberals proposed the creation of an Arctic strategy, an "Arctic Region Action Plan," that included measures for public engagement, particularly by the Aboriginal community. Second, the government would create a position of Arctic Ambassador (later renamed Ambassador for Circumpolar Affairs) whose role would be to "facilitate activity in the multilateral arena." Third, the Liberals

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<sup>213</sup> Liberal Party of Canada, *Foreign Policy Handbook*, quoted in, *Canada and the Circumpolar World*, 24, footnote 39.

promised to “give serious consideration” to building more icebreakers for the Canadian Navy in order to more easily assert sovereignty over the Arctic.<sup>214</sup>

Following the election of the Liberals, a Northern Foreign Policy Conference was convened in April of 1994. While addressing the conference, Foreign Affairs Minister André Ouellet restated his government’s commitment to the idea of an Arctic Council, and its hope that this body would be established by the end of the year.<sup>215</sup> He also expressed a need for the government to “develop both our bilateral and our multilateral relations” across the circumpolar north.<sup>216</sup> A few months later, the Chrétien government took its first steps towards developing circumpolar relationships by appointing Mary Simon as the first Ambassador for Circumpolar Affairs. The Canadian government had turned its full attention towards the creation of the Arctic Council.

Meanwhile, the Clinton Administration unveiled its own Arctic strategy. In February 1994, a confidential Presidential Decision Directive (PDD) was issued to US government officials. While citing the necessity of continued security and control in Arctic, as well as a need to maintain freedom of the seas, the PDD also called for the US to play a leadership role in promoting cooperation between Arctic countries. The PDD stated that while security was still an important part of an Arctic strategy, the end of the Cold War allowed for “a significant shift of emphasis in US Arctic policy.”<sup>217</sup> In September 1994, the US released its new Arctic policy document, which advocated “strengthening institutions for cooperation among the eight Arctic nations” and promoted the principles of sustainable development, environmental protection and conservation.<sup>218</sup> There was no mention of a commitment to the idea of an Arctic Council, only a vague statement that “the United States will seek to create a more formal policy forum through

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<sup>214</sup> Liberal Party of Canada, *Creating Opportunity*, quoted in, Terry Fenge, “Environmental Clean-up and Sustainable Development in the Circumpolar Arctic,” *Northern Perspectives* 21, no. 4 (Winter 1993-1994): 2. Available online: <<http://www.carc.org/pubs/v21no4/cleanup.htm>> (28 June 2009).

<sup>215</sup> André Ouellet, “A Northern Foreign Policy for Canada,” *Proceedings of a Conference on ‘A Northern Foreign Policy for Canada*, ed. John M. Lamb (Ottawa: Canadian Polar Commission/Canadian Centre for Global Security, November 1994), 57.

<sup>216</sup> *Ibid.*

<sup>217</sup> US, *Presidential Decision Directive: United States Policy on the Arctic and Antarctic Regions* (Washington, DC., February, 1994), cited and quoted in, Sanjay Chaturvedi, *The Polar Regions: A Political Geography* (Toronto: John Wiley & Sons, 1996), 182-183.

<sup>218</sup> US, Department of State, “Fact Sheet: US Arctic Policy,” *US Department of State Dispatch* 5, no. 2 (26 December 1994): 852-853.

which Arctic nations can oversee implementation of Arctic strategy.”<sup>219</sup> This policy statement would prove to be a “crucial turning point” for the US.<sup>220</sup>

Throughout 1994 and early 1995, negotiations on the Arctic Council continued between Canada and the US. There were a number of stumbling blocks. The first was the agenda of the Council. Canada wanted the Council to have an open agenda, where matters ranging from environmental protection to security could be discussed, while the US wanted the Council to have a narrow agenda, focusing exclusively on environmental protection. The second point of contention was the structure of the Council. The US preferred that the Council be a “flexible forum” rather than “a major multilateral organization” that required resources for staffing. Canada, on the other hand, wanted the Council to have its own permanent “autonomous” staff and funding. The third stumbling block was the place of Aboriginal peoples within the Council. The US viewed the Council as an “intergovernmental association” only. While the US would welcome the voices of Aboriginal peoples, it refused to allow them “equality of status” with the member states.<sup>221</sup>

Despite these differences, negotiations proceeded and Canada continued to push for the creation of a Council. In its 1995 foreign policy statement entitled *Canada and the World*, the Chrétien government stated that Canada had a “particular role in defending and developing the Arctic environment, an area where international cooperation is vital and is just beginning.”<sup>222</sup> To this end it was committed to establishing an Arctic Council “to meet the challenge of sustainable development in the North and to deal with the critical issues faced by all Arctic countries.”<sup>223</sup>

When the negotiations stalled, Canadian officials asked that the issue of the Council be placed on the agenda of the Ottawa Summit, which was to take place in February 1995 between Chrétien and President Clinton.<sup>224</sup> That meeting brought success, with the US delegation announcing at the summit’s conclusion that the US was prepared to enter into “formal” negotiations to establish the Arctic Council.<sup>225</sup> However, the attitude of US officials towards the

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<sup>219</sup> Ibid.

<sup>220</sup> David Scrivener, *Environmental Cooperation in the Arctic: From Strategy to Council* (Oslo: The Norwegian Atlantic Committee, Security Policy Library No. 1, 1996), 22.

<sup>221</sup> Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” 304-305.

<sup>222</sup> Canada, Foreign Affairs and International Trade Canada, *Canada in the World* (Ottawa: Public Works and Government Services Canada, 1995), 19.

<sup>223</sup> Ibid., 29.

<sup>224</sup> Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” 305.

<sup>225</sup> *Canada and the Circumpolar World*, 38.

idea of a Council remained largely negative. According to Douglas C. Nord, US delegates had supported the idea only “in an effort to eliminate a nagging irritant from the bilateral relationship. Most of the US delegates attending the Ottawa meeting did not consider the Arctic Council worthy of further prolonged debate and discussion.”<sup>226</sup>

Disdain for the Council within the US Administration coloured the negotiations that followed. A short time after the February summit, Canada released a draft charter.<sup>227</sup> The US response was no surprise; the same sticking points resurfaced. It wanted the Council established by declaration rather than by charter to ensure that the organization remained informal. The US also refused to allow for the establishment of a permanent Secretariat, which would ensure that the Council would not require large sums of money for administration and program costs.<sup>228</sup> Throughout 1995 and 1996, further negotiations “proved to be spectacularly unsuccessful.”<sup>229</sup>

In early 1996, the US submitted a counterproposal to the Canadian draft charter.<sup>230</sup> The proposal put forward a watered-down version of the Canadian draft that was more US-friendly, basically eliminating all of the points to which the US objected. The US then effectively announced that it would negotiate no further, and that its final offer was its only offer. The Canadian government acquiesced and accepted almost all of the US demands. In the end, the Arctic Council Declaration signed on September 19, 1996 “bore the clear imprint of Washington in nearly all its critical areas...In many respects, the new Arctic Council looked more like an American product than that of a Canadian initiative.”<sup>231</sup>

#### **4.3 Human Security and *The Northern Dimension of Canada’s Foreign Policy***

Viewing the establishment of the Arctic Council as a springboard, the House of Commons Standing Committee on Foreign Affairs and International Trade launched an examination of Canadian foreign policy as it applied to the Arctic.<sup>232</sup> The goal of the inquiry was threefold: to “[construct] a coherent framework for Canada’s international policies on circumpolar cooperation;” to examine “policy and process” and the direction of Canadian Arctic policy; and to outline “specifics [for] strengthening relationships with other Arctic rim

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<sup>226</sup> Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” 305.

<sup>227</sup> *Canada and the Circumpolar World*, 38.

<sup>228</sup> Scrivener, 24.

<sup>229</sup> Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” 305.

<sup>230</sup> *Canada and the Circumpolar World*, 38.

<sup>231</sup> Nord, “Canada as a Northern Nation: Finding a Role for the Arctic Council,” 305-6.

<sup>232</sup> *Canada and the Circumpolar World*, xi.



countries.”<sup>233</sup> The examination resulted in the tabling of a lengthy and comprehensive report in 1997, entitled *Canada and the Circumpolar World: Meeting the Challenges of Cooperation into the Twenty-First Century*.

In all, the report put forward 49 recommendations. These included: creation of a Division for Circumpolar Affairs within DFAIT (recommendation #3); strengthening the role of the Ambassador of Circumpolar Affairs (13); consultation with Aboriginal peoples in all matters pertaining to Arctic policy (4, 8, 31, 32); reaffirming Canadian sovereignty in the Arctic (14); demilitarization of the Arctic (15-17); strengthening environmental agreements, legislation and cooperation (18-24); building a framework for sustainable economic development (25-30); strengthening relations with circumpolar neighbours (41-49); providing more funding for scientific research relating to the Arctic (35-40); and scheduling regular meetings with the US to discuss Arctic issues of mutual interest (43).<sup>234</sup>

In 1998, the Chrétien government issued a lengthy response to the report which was mostly positive; most of the recommendations were welcomed and/or were similar to the government’s own plans.<sup>235</sup> For example, the government agreed that high-level meetings with US officials regarding Arctic issues would be beneficial for both parties.<sup>236</sup> The only recommendation that the government opposed was recommendation #15, which called for the demilitarization of the Arctic. Demilitarization was viewed as “an abandonment of the Canadian military presence in the North,” which would severely impact “present-day communication, navigation and transportation networks” throughout the Arctic region.<sup>237</sup>

Following the release of *Canada and the Circumpolar World* by the Standing Committee, the government issued its own consultation paper in September 1998, entitled *Toward a Northern Foreign Policy for Canada*. Authored by DFAIT, the paper touched on most of the issues and recommendations made by the Standing Committee. The document set out seven major policy themes: sustainable development; environmental protection; social and cultural

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<sup>233</sup> Ibid., 7.

<sup>234</sup> Ibid., 271-286.

<sup>235</sup> Canada, Foreign Affairs and International Trade Canada, *Government Response to Standing Committee on Foreign Affairs and International Trade Report – ‘Canada and the Circumpolar World: Meeting the Challenges of Cooperation into the Twenty-First Century’* (Ottawa: 1998), under “Introduction – Overview of Government Response.” Available online: <<http://www.international.gc.ca/polar-polaire/assets/pdfs/response-en.pdf>> (28 June 2009).

<sup>236</sup> Ibid., under “Theme VII/Multilateral and Bilateral Relations – Recommendation 43/Canada-US Relations.”

<sup>237</sup> Ibid., under “Theme V/Northern Sovereignty and Security – Recommendation 15/Demilitarization in the Arctic.”

renewal; regional good governance and democratic development; northern sovereignty and security; bilateral relations with northern neighbours; and consultative processes and national unity.<sup>238</sup> A small paragraph on Canada-US relations reflected an important shift in Canadian policy by citing the new concept of ‘human security.’ The argument was made that US policy was moving “away from traditional security issues” and was placing a new focus on Arctic concerns.<sup>239</sup>

It is not surprising that the concept of human security became embedded in the Chrétien government’s Arctic policies. From the establishment of the Arctic Council up to the unveiling of the *Northern Dimension* policy, Lloyd Axworthy was the Minister of DFAIT. Throughout his time as the Minister, Axworthy made human security the “central pillar in his department’s policy”<sup>240</sup> and sought to make Canada a world leader on human security issues.<sup>241</sup> His dedication to this concept led to a number of unique foreign policy initiatives, including the 1997 landmines treaty and the 1998 Rome Statute of the International Criminal Court (ICC). He also helped establish the International Council on Intervention and State Sovereignty (ICISS) in 2000, although he was no longer Minister of Foreign Affairs when the commission’s final report, “The Responsibility to Protect,” was released in December 2001. Near the end of his tenure, DFAIT published an official government statement on human security entitled, *Human Security: Safety for People in a Changing World* (1999).

In contrast to traditional or state security, where the principal actor and central security concern is the state, human security places the security of individuals at its center. Human security argues that traditional or state security is too state-centric and too narrowly defined: “forgotten were the legitimate concerns of ordinary people who sought security in their daily lives.”<sup>242</sup> The idea of human security elevates the role of an individual to that of “an equal

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<sup>238</sup> Canada, Foreign Affairs and International Trade Canada, *Toward a Northern Foreign Policy: A Consultation Paper* (Ottawa: September 1998), under “Toward a Northern Foreign Policy for Canada.” Available online: <<http://www.international.gc.ca/polar-polaire/assets/pdfs/final4-en.pdf>> (28 June 2009).

<sup>239</sup> Ibid., under “Bilateral Relations with Northern Neighbours – Strong Canada-US Cooperation on Arctic Issues.” This change in US Arctic policy and security orientation can be seen in “Fact Sheet: US Arctic Policy,” *US Department of State Dispatch* 5, no. 52 (26 December 1994): 852-853.

<sup>240</sup> George Maclean, “Instituting and Projecting Human Security: A Canadian Perspective,” *Australian Journal of International Affairs* 54, no. 3 (November 2000): 274.

<sup>241</sup> See Lloyd Axworthy, “Canada and Human Security: The Need for Leadership,” *International Journal* 52, no. 2 (Spring 1997): 183-196.

<sup>242</sup> United Nations Development Programme, *Human Development Report 1994: New Dimensions of Human Security* (New York: Oxford University Press, 1994), 22. Available online: <<http://hdr.undp.org/en/reports/global/hdr1994/>> (9 November 2008).

subject and actor in international relations,” whose security is “the ultimate goal, to which all instruments and peripheral actors are subordinated.”<sup>243</sup>

Furthermore, in terms of Arctic policy, human security expands the notion of what a threat is, arguing that poverty, famine and environmental degradation are security threats. What is unique about these types of threats is that they are posed by non-state actors. Traditional or state security contends that states themselves are the main source of global insecurity since they continually seek to maximize their power in order to protect themselves. Human security introduces the notion that some of the most serious threats to security do not come from the state level. For example, it argue that environmental degradation is creating new security challenges, particularly in the north where warmer temperatures are making the Arctic more accessible.

The concept of human security was prominent when, in June 2000, the Chrétien government released its Arctic policy document, *The Northern Dimension of Canada's Foreign Policy*. Of the four policy objectives, the fourth was “to promote the human security of northerners and the sustainable development of the Arctic.”<sup>244</sup> The other three policy objectives were as follows: “to enhance the security and prosperity of Canadians;” “to assert and ensure the preservation of Canada’s sovereignty;” and “to establish the Circumpolar region as a vibrant geopolitical entity integrated into a rules-based international system.”<sup>245</sup> These objectives were to be pursued through four initiatives: (1) establishing a University of the Arctic; (2) strengthening relations with Russia; (3) creating sustainable economic development policies while increasing trade amongst circumpolar countries; and (4) “strengthening and promoting a central place in circumpolar relations and policy coordination for the Arctic Council.”<sup>246</sup>

There was little discussion in the document of Canada-US Arctic initiatives. The intent was clearly to have Arctic issues discussed in the new Arctic Council where the Canadian government could promote “Canadian interests and values.”<sup>247</sup> As well, there was a particular concern to broaden the concept of human security to encompass environmental degradation.<sup>248</sup>

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<sup>243</sup> Shahrbanou Tadjbakhsh and Anuradha M. Chenoy, *Human Security: Concepts and Implications* (New York: Routledge, 2007), 13.

<sup>244</sup> *The Northern Dimension of Canada's Foreign Policy*, 2.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid., 2-3.

<sup>247</sup> Ibid., 2.

<sup>248</sup> Ibid., 8-9.

#### 4.4 September 11<sup>th</sup> and the Challenge of Terrorism

After the release of the *Northern Dimension* document, very little occurred. The Arctic question disappeared from the Chrétien government's radar, overtaken by other issues that challenged the government in the latter part of its second electoral mandate. Then on September 11, 2001, the relationship between Canada and the US was transformed by the terrorist attacks on the US. Following these attacks, the US Administration became more concerned with terrorists than with circumpolar cooperation.<sup>249</sup> Human security was overtaken by the new more traditional security agenda implicit in the Bush Doctrine; multilateral initiatives were no longer part of the thinking in Washington.<sup>250</sup>

In the weeks and months following the terrorist attacks, Canadian border security came under intense scrutiny as rumours abounded that the 9/11 terrorists entered the US from Canada. The myth originated in two Boston newspapers, the *Globe* and the *Herald*, and was propagated in the following days by stories in the *Washington Post*, the *New York Post* and the *Christian Science Monitor*.<sup>251</sup> Despite all of the Canadian government's attempts to correct the falsehood, many in the US still believe that the terrorist attacks of September 11<sup>th</sup> were carried out by individuals who came into the US from Canada. Evidently, US government officials perpetrated the myth. In an interview with CBC in April 2009, Janet Napolitano, US Secretary of Homeland Security, stated that a number of terrorists have entered the US from Canada, including those who carried out the 9/11 attacks.<sup>252</sup>

Admittedly, such concerns were not completely unwarranted. In 1999, Ahmed Rissan gained illegal entry to Canada and tried to cross into the US in a car laden with explosive materials. The incident had caused much concern among US officials as to the security of the Canadian border.<sup>253</sup> That concern grew substantially after the 9/11 attacks, as the Canadian border and Canada's vast unguarded coastlines, including those in the Arctic, came under close scrutiny.

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<sup>249</sup> Byers, 158.

<sup>250</sup> Douglas Kellner, "Preemptive Strikes and the War on Iraq: A Critique of Bush Administration Unilateralism and Militarism," *New Political Science* 26, no. 3 (September 2004): 421.

<sup>251</sup> Doug Stuck, "Canada Fights Myth it was 9/11 Conduit," *The Washington Post Foreign Service*, 9 April 2005, p. A20. Available online: <<http://www.washingtonpost.com/wp-dyn/articles/A38816-2005Apr8.html>> (28 June 2009).

<sup>252</sup> "Canada more lax than US about whom it lets in, Napolitano says," *CBC News Online*, 21 April 2009. Available online: <<http://www.cbc.ca/world/story/2009/04/21/napolitano-border-canada021.html>> (28 June 2009).

<sup>253</sup> Thomas Walkom, "Rethinking the border; More secure of less secure, the Canada/US border is certain to change," *Toronto Star*, 22 September 2001, p. K01. [Online Database Subscription]: Toronto Star – Pages of the Past [28 June 2009].

Canadians knew themselves that the country's borders and coastlines needed more surveillance, particularly in the Arctic. The military's strength was dramatically undermined during the 1990s by a rash of budget cuts. In the aftermath of September 11<sup>th</sup>, it became more and more apparent that Canada's military was unable to perform even basic surveillance activities.<sup>254</sup> This spelled trouble for future security in the Arctic. At the Northern Research Forum in September 2004, the commander of Canadian Forces Northern Area stated that "(the Arctic) could become a soft target and a real challenge to the circumpolar security forces."<sup>255</sup>

In response to security concerns, the US Administration announced the establishment of USNORTHCOM in April 2002, created specifically for "homeland defence," and whose "area of operations" would include Canada.<sup>256</sup> Prime Minister Chrétien did not seem all that concerned about the implications of the US military creating a North American security perimeter of sorts: "the sovereignty of Canada cannot be taken away by this decision made by the administration of the United States...The defence of Canada will be assured by the Canadian government and not by the American government."<sup>257</sup> He seemed to believe that Canada's sovereignty was well in hand. The US Ambassador to Canada, Paul Cellucci, tried to allay Canadians' fears by stating that USNORTHCOM would neither patrol Canadian waters nor place US troops on Canadian soil.<sup>258</sup>

The sovereignty issue sparked by the creation of USNORTHCOM died fairly quickly. However, it highlighted the fact that the US believed that Canada could not properly secure its coastlines and borders, including the Arctic. Rampant US fears of another terrorist attack, along with the pervasive belief that the 9/11 terrorists entered the US across the Canadian border, put Canada in a difficult position. While Canadians understood the US' need to secure itself and wanted to be "a responsible ally,"<sup>259</sup> they also recognized that it was now particularly critical to remain firm on the question of northern sovereignty. The progressively rapid melting of the Arctic sea ice did not help, as increased access to the Arctic only exacerbated US fears.

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<sup>254</sup> Ron Chalmers, "Boosting dangerously undefended coastline a top priority," *Edmonton Journal*, 3 November 2003, p. A14. [Online Database Subscription]: Canadian Newsstand [28 June 2009].

<sup>255</sup> Nathan Vanderlippe, "Arctic called tempting terror target," *Montreal Gazette*, 19 September 2004, p. A7. [Online Database Subscription]: Canadian Newsstand [28 June 2009].

<sup>256</sup> Garamone, *ibid.*

<sup>257</sup> Jean Chrétien, quoted in Thompson, *ibid.*

<sup>258</sup> McCarthy, *ibid.*

<sup>259</sup> Chalmers, *ibid.*

#### 4.5 Paul Martin and a New Northern Strategy

As time passed and the anxiety caused by the September 11th terrorist attacks gradually abated, the subject of the Arctic re-emerged on the radar of Canadians. Increased public knowledge of climate change and its effects on the Arctic brought more attention to the region. By this time, Jean Chrétien had retired from office, and Paul Martin was Canada's new Prime Minister. Martin brought with him a renewed commitment to the Arctic. In the Throne Speech of October 2004, following the Liberal election victory, the Martin government announced its intention to formulate a new "comprehensive" northern strategy, one which would seek to secure sovereignty in the North as well as increase the quality of life of all northerners through environmental protection and recommitment to social programs, all while building a strong economy and promoting circumpolar cooperation.<sup>260</sup>

In December of 2004, Martin, along with Premiers Joseph Handley (NWT), Paul Okalik (Nunavut) and Dennis Fentie (Yukon), announced that together they would develop a "first-ever comprehensive strategy for the North."<sup>261</sup> In late 2004, the Martin government sent a booklet to all northern Canadians entitled, *Developing Your Northern Strategy*. It seems that Martin wanted to produce a document that was developed jointly by the federal and territorial governments; this was a marked difference from the *Northern Dimension* document which, while developed in consultation with northern Canadians, was published by the federal government. In short, the proposed goals and objectives of the Martin government's Arctic strategy were very similar to those of the *Northern Dimension*, such as strengthening circumpolar cooperation, protecting the environment, and ensuring sustainable economic development. However, the Martin strategy also focused on renewing commitments to social programs (such as housing, health care, and education) and building infrastructure.<sup>262</sup>

In 2005, the Martin government released a commentary on Chrétien's *Northern Dimension* policy. It found that the overall objectives were still relevant, although in need of some updating. However, it also found that the policy had not been successful in achieving its

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<sup>260</sup> Canada, Parliament, "Speech from the Throne," 5 October 2004, under "A Strong Economy." Available online: <<http://www.collectionscanada.gc.ca/webarchives/20060205125315/http://www.pm.gc.ca/eng/sft-ddt.asp>> (28 June 2009).

<sup>261</sup> Canada, Department of Indian Affairs and Northern Development, *Developing Your Northern Strategy* (Ottawa: 2004), 1.

<sup>262</sup> *Ibid.*, 7.

specific policy goals, except for those pertaining to the Arctic Council.<sup>263</sup> It recommended that new and more specific priorities be outlined for the next five years, including: continued strengthening of circumpolar leadership both within the Canadian government and in relation to other countries; more integration and cooperation with other federal agencies, departments and territorial governments; and continued engagement of Aboriginal peoples and northern Canadians in the policy-making process.<sup>264</sup>

In terms of the Arctic, Martin never specifically mentioned relations with the US, but a willingness to work with the US Administration was implicit. Within the ‘Diplomacy’ section of his government’s 2005 international policy statement, *A Role of Pride and Influence in the World*, the objective of “devoting renewed attention to the Arctic” was included under the policy priority of “fostering the North American Partnership.”<sup>265</sup> This, along with Martin’s expressed desire for a continued commitment to circumpolar cooperation through the Arctic Council, demonstrates that Martin wanted to carry forward the Chrétien practice of trying to work with the US on a multilateral level.

This willingness to work with the US was reflected in Martin’s approach to security issues more broadly. In the ‘Defence’ section of the 2005 *International Policy Statement*, the Martin government affirmed its desire to continue Canada’s close security relationship with the US, making a “renew[ed] commitment to continental defence, including through enhancing our domestic capabilities.”<sup>266</sup> To do so would be “clearly in our sovereign interest.”<sup>267</sup> The *International Policy Statement* went on to state that because of the increased activity in the Arctic, “demands for sovereignty and security...[were continuing] to rise.” Although these developments would “not result in the type of military threat to the North that we saw during the Cold War...they could have long-term security implications.”<sup>268</sup> In short, in the post-9/11 world,

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<sup>263</sup> Canada, Foreign Affairs and International Trade Canada, *Summative Evaluation of the Northern Dimension of Canada’s Foreign Policy* (Ottawa: May 2005), under “1. Executive Summary – Assessment.” Available online: <<http://www.collectionscanada.gc.ca/webarchives/20061108004739/http://international.gc.ca/departement/auditreports/evaluation/evalNorthernDimension05-en.asp>> (27 August 2009).

<sup>264</sup> Ibid., under “5.2 - Recommendations.”

<sup>265</sup> Canada, Foreign Affairs and International Trade Canada, *A Role of Pride and Influence in the World: Diplomacy* (Ottawa: 2005), 2, 4. Also available online: <<http://www.collectionscanada.gc.ca/webarchives/20060117024159/http://www.dfait-maeci.gc.ca/cip-pic/ips/ips-diplomacy.pdf>> (8 September 2009).

<sup>266</sup> Canada, Foreign Affairs and International Trade Canada, *A Role of Pride and Influence in the World: Defence* (Ottawa: 2005), 22. Also available online: <[http://www.collectionscanada.gc.ca/webarchives/20060131160210/http://www.forces.gc.ca/site/reports/dps/pdf/dps\\_e.pdf](http://www.collectionscanada.gc.ca/webarchives/20060131160210/http://www.forces.gc.ca/site/reports/dps/pdf/dps_e.pdf)> (8 September 2009).

<sup>267</sup> Ibid.

<sup>268</sup> Ibid., 17.

the vast expanse of the Arctic posed a major threat to the security interests of both Canada and the US.

#### **4.6 Dealing with the US**

The Chrétien and Martin years can be viewed as a success with respect to moving along the discussion between Canada and the US regarding the Arctic. No major dispute erupted between the two countries over Arctic issues, and while there were differences of opinion regarding the composition and mandate of the Arctic Council and the need for greater security in the Arctic following September 11<sup>th</sup>, neither situation provoked the kind of nationalistic response in Canada caused by the *Manhattan* and *Polar Sea* incidents.

But what is striking about this period is the *global order* strategy adopted by both governments, in that they viewed solutions to the question of Arctic sovereignty as lying within a global system transformed by a rapidly evolving military, social and political global order. For a moment, it looked like the creation of the Arctic Council might be the perfect example of this strategy. The Council, as conceived by Canada, would have functioned as a security forum where less powerful circumpolar countries, such as Norway, Sweden, Finland, Denmark and Canada, would be able to work in combination to press the US, as well as Russia, on Arctic issues. Canada clearly took the lead in the venture to create such a Council. However, by the time the negotiations with the US over the Council's structure and functions had concluded, the Council was a much different kind of forum than the one envisaged by Canada.

Yet Canadians continued to reshape the global order in such a way that would give Canada the kind of support that it needed from the international community regarding the Arctic. By promoting the concept of human security, Canada played an important role in initiating a larger international dialogue about security. It also gained widespread support and praise for a number of global human security initiatives, such as the ICC and the international treaty on landmines. Canada's prominence in these initiatives both gave the concept of human security international currency and allowed Canadians to further their own global interests.

Canada used the concept of human security to try and reframe Arctic issues as matters of global and immediate concern. As in the *Manhattan* episode, it once again sought to build an international coalition to counterbalance US power and influence. While there is no clear evidence that the use of the human security concept resulted in a change in US policy, it is



difficult to dispute the influence that Canada gained on the Arctic Council as a result of its championing of the concept of human security.

However, the Canadian government's credibility with the US Administration was weakened in the wake of the September 11<sup>th</sup> attacks. To the US, Canada's inability to patrol its own coastlines made its northern neighbour a liability. As an example of the general unease felt by Washington, a few days after the attacks the US Ambassador to Canada called for the creation of a North American security perimeter.<sup>269</sup> Because of its perceived lax security measures, Canada had little choice but to seek to assuage US fears over border security, although it was Canadian officials who convinced the US Administration to adopt the Canadian draft of the Smart Border Declaration and Action Plan.<sup>270</sup> This required the utilization of the strategies of *ad hoc adjustment* and *deliberate integration*.

As time passed and the events of September 11<sup>th</sup> gradually receded from everyone's consciousness, issues that had gained prominence prior to 9/11 began to re-emerge in Canada-US relations. One such issue was climate change. Both Canada and the US realized that climate change was opening the Arctic to new opportunities, which would, over time, increase traffic in the area. More traffic would make the area and its inhabitants increasingly susceptible to security threats and environmental damage. The Martin government wanted to try and work with the US on border issues while pursuing its own Arctic agenda of sovereignty, circumpolar cooperation and environmental protection. But his government was forced from office before its plans could be implemented.

## 4.7 Conclusion

Both the Chrétien and Martin governments sought to deal with the US on Arctic issues by using the *global order* strategy. In each instance, both were diverted from their paths and forced to manage Canada-US relations by other means. For Chrétien, the negotiations surrounding the Arctic Council developed into bilateral bargaining – and the results were less than satisfactory. Chrétien was also forced to respond to the new US security agenda in the wake of the September 11<sup>th</sup> attacks, in part because terrorism was viewed by Ottawa as a genuine threat to North

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<sup>269</sup> “US ambassador calls for Northern American perimeter,” *CBC News Online*, 19 September 2001. Available online: <<http://www.cbc.ca/canada/story/2001/09/19/immigrat010919.html>> (8 September 2009).

<sup>270</sup> Robert Hage, “The New Reality in Canada/US Relations: Reconciling Security and Economic Interests and the ‘Smart Border Declaration,’” *United States Law Journal* 29 (2003): 26.

America, and also to soothe US fears. In the later Chrétien years, this made it very difficult for the Canadian government to pursue its goal of multilateral cooperation in the Arctic.

Martin faced the challenge of bringing Canada-US relations in the Arctic back to where they were prior to the September 11<sup>th</sup> attacks. While the international community remained fixated on security concerns, Martin attempted to push his Arctic agenda forward - which was partly the impetus for his successor's Arctic agenda.

## CHAPTER 5: STEPHEN HARPER AND RENEWED INTEREST IN THE ARCTIC

### 5.1 The Changing Harper Policy

The Arctic policy of the Conservative government, under the leadership of Prime Minister Stephen Harper, began to take shape during the 2006 Canadian election campaign. In December 2005 it was revealed that a US nuclear submarine had travelled to the North Pole during the month of November; the submarine likely passed through Canadian waters on its journey.<sup>271</sup> There was no better opportunity for Harper to unveil his party's Arctic strategy.

On December 23, 2005, Harper announced that if elected, his government would take "an aggressive approach to [Canadian] sovereignty," and work to "persuade countries to respect that sovereignty and to obviously deal with us before they send vessels in our water." Harper claimed that his campaign promises would amount to far much more than just simply words; he argued that his strategy was one of action: "you don't defend national sovereignty with flags, cheap election rhetoric and advertising campaigns... You need forces on the ground, ships in the sea, and proper surveillance."<sup>272</sup> Reiterating the words Professor Franklyn Griffiths used during the *Polar Sea* incident, Harper uttered what would become the infamous catchphrase for his Arctic policy: "sovereignty is something that you use...or you lose it."<sup>273</sup>

Harper called for \$3.5 billion to be spent on new infrastructure in the north, including three new icebreakers, an army training centre, and a deep-water port. The money would also be used to fund new air patrols and unmanned drones to provide surveillance, as well as increase the number of Canadian Rangers operating in the Arctic.<sup>274</sup> The plans also included the creation of a new Arctic National Sensor System which would place "listening posts" at various points under the Arctic waters to track ships and submarines. Harper also stated that he "would demand...that any foreign vessels travelling in Canadian territorial waters seek and get the consent of the federal government."<sup>275</sup>

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<sup>271</sup> Chris Wattie, "US sub may have toured Canadian Arctic zone," *National Post*, 19 December 2005, p. A1. [Online Database Subscription]: Canadian Newsstand [28 May 2009].

<sup>272</sup> Ibid.

<sup>273</sup> Sean Gordon, "Harper unveils Arctic plan; \$3.5B strategy aims to protect sovereignty; would increase military presence, boost air patrols," *Toronto Star*, 23 December 2005, p. A6. [Online Database Subscription]: Canadian Newsstand [28 May 2009].

<sup>274</sup> Ibid.

<sup>275</sup> Norma Greenaway, "Tories want armed ships to patrol Arctic," *Ottawa Citizen*, 23 December 2005, p. A1. [Online Database Subscription]: Canadian Newsstand [28 May 2009].

On January 26, 2006, three days after the Conservatives were elected to power, Harper was forced to respond to US Ambassador David Wilkins' comments regarding Canada's sovereignty in the far North. Wilkins had stated publicly that the US was not keen on the Conservatives' plans to increase Canada's presence in the Arctic and that the US still maintained that the Northwest Passage is in international strait, not Canadian internal waters. Harper responded strongly: "The United States defends its sovereignty and the Canadian government will defend our sovereignty... It is the Canadian people we get our mandate from, not the ambassador of the United States."<sup>276</sup>

In June 2006, the new Harper government unveiled more particulars concerning its plans for the Arctic. The *Canada First Defence Strategy*, released by the Department of Defence, defined the Canadian military's six "core missions," one of which was to "conduct daily domestic and continental operations, including in the Arctic and through NORAD [North American Aerospace Defence Command]."<sup>277</sup> The Harper government cited the need for increased surveillance in the Arctic because of changing environmental conditions in the north - the decrease in the amount of ice in the Arctic allowed for increased transit throughout the region. The overall intent of the *First Defence Strategy* was to rejuvenate the Canadian Forces; this would be done by increasing troop numbers and both expanding and updating the military's equipment. The \$3.5 billion in funds for Arctic infrastructure announced during the election campaign was intended to "support" the *First Defence Strategy*.<sup>278</sup>

Prime Minister Harper made his first trip to the Arctic in August 2006, which included stops in all three northern territories. In Iqaluit on August 12, he launched Operation Lancaster, a 12-day military exercise in the Arctic "designed to assert Canada's sovereignty in the North."<sup>279</sup> The Prime Minister's speech that day reiterated the government's focus on protecting and entrenching Arctic sovereignty. It also echoed his remarks from the campaign trail only months

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<sup>276</sup> "Harper brushes off US criticism of Arctic plan," *ibid*.

<sup>277</sup> Canada, National Defence and Canadian Forces, *Canada First Defence Strategy* (Ottawa: June 2006), 10. Available online: <[http://www.forces.gc.ca/site/pri/first-premier/June18\\_0910\\_CFDS\\_english\\_low-res.pdf](http://www.forces.gc.ca/site/pri/first-premier/June18_0910_CFDS_english_low-res.pdf)> (28 June 2009).

<sup>278</sup> Canada, National Defence and Canadian Forces, "Canada First Defence Strategy: Frequently Asked Questions – Question 7: What will the Canadian Forces' role in the Arctic be?" 30 January 2009. Available online: <<http://www.forces.gc.ca/site/focus/first-premier/faq-eng.asp#q7>> (28 June 2009).

<sup>279</sup> Prime Minister of Canada, "Prime Minister Harper launches Operation LANCASTER to assert Canadian sovereignty in the Arctic," 12 August 2006. Available online: <<http://pm.gc.ca/eng/media.asp?id=1273>> (30 June 2009).

before, stating that “you can’t defend Arctic sovereignty with words alone.”<sup>280</sup> These sentiments were repeated time and again throughout the Prime Minister’s week-long Arctic visit. However, for the first time Harper spoke of the need to protect the Arctic environment, announcing that the government would begin carrying out “pollution-detection surveillance flights” over Arctic waters.<sup>281</sup>

Yet after returning to Ottawa, Harper did little in the way of moving forward on Arctic issues. On the contrary, in October 2006, he cut the position of Ambassador for Circumpolar Affairs, the role created in 1994 by the Chrétien government. The government’s official reason for axing the position was “to save money.”<sup>282</sup> The federal budget delivered in March 2007 contained no new Arctic commitments beyond the creation of a marine-protected area in the eastern Arctic.<sup>283</sup>

But Arctic issues did not disappear from the Harper government’s radar. In July 2007, Harper once again used the “use it or lose it” reference in announcing the construction of up to eight new Polar Class 5 Arctic offshore patrol ships and a deep water port; building the ships was estimated to cost \$3.1 billion.<sup>284</sup> With this announcement, however, there was no promise of new money.

The following month, August 2007, the Prime Minister once again headed to the Arctic. This time his destination was Resolute Bay, Nunavut, where he provided more details about his Arctic strategy from the 2006 election campaign. The focus was on sovereignty once more as he announced that the aforementioned new army training base would be built in Resolute Bay; the promised deep-water port would be built in Nanisivik. He also announced plans to increase the number of Canadian Rangers by 900 members.<sup>285</sup>

The Speech from the Throne to open the second session of the 39<sup>th</sup> Canadian Parliament was read on October 16, 2007. A significant part of the speech was specifically devoted to the Arctic and outlined the Harper government’s northern strategy:

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<sup>280</sup> Prime Minister of Canada, “Securing Canadian sovereignty in the Arctic,” 12 August 2006. Available online: <<http://pm.gc.ca/eng/media.asp?id=1275>> (30 June 2009).

<sup>281</sup> Ibid.

<sup>282</sup> “Circumpolar ambassador job axed,” *ibid.*

<sup>283</sup> Canada, Finance Canada, *The Budget Plan 2007 – Aspire: To a Stronger, Safer, Better Canada* (Ottawa: March 2007), 76. Available online: <<http://www.budget.gc.ca/2007/pdf/bp2007e.pdf>> (30 June 2009).

<sup>284</sup> Prime Minister of Canada, “Prime Minister Stephen Harper announces new Arctic offshore patrol ships,” *ibid.*

<sup>285</sup> Prime Minister of Canada, “Prime Minister announces expansion of Canadian Forces facilities and operations in the Arctic,” 10 August 2007. Available online: <<http://pm.gc.ca/eng/media.asp?category=2&id=1787>> (2 July 2009).

“Our Government will bring forward an integrated northern strategy focused on strengthening Canada’s sovereignty, protecting our environmental heritage, promoting economic and northern development, and improving and devolving governance, so that northerners have greater control over their destinies.”<sup>286</sup>

Details of the strategy were unveiled in the 2008 federal budget, which defined the specifics of the Harper government’s “vision for a new North.”<sup>287</sup> The budget provided \$34 million over two years to aid in mapping Canada’s continental shelf in order to prepare its claim in compliance with UNCLOS; an extra \$20 million was provided for the data collection and legal work behind this process. But this announcement was only the tip of the iceberg, so to speak. The big announcement in the budget was that the Harper government would set aside \$720 million to build a new polar class icebreaker; Canada’s biggest icebreaker at the present, the CCGS Louis S. St. Laurent, is due to be decommissioned in 2017.<sup>288</sup>

The summer of 2008 foreshadowed a major shift in US policy towards the Arctic. US Coast Guard commander Admiral Thad Allen declared that the rapid reduction in sea traffic and a corresponding rise in ship traffic in the Arctic had caused the US to rethink its Arctic strategy: the US would be changing its focus in the region from scientific research to “sovereignty” and “security presence.” Allen hinted that the US would announce a new Arctic strategy in the coming months.<sup>289</sup> There was no response in Ottawa to Allen’s comments.

Prime Minister Harper did, however, return to the Arctic a few weeks later for his third major trip to the region in as many years. While there, and in the lead up to a national election campaign, he announced two major interrelated initiatives. The first was the introduction of an amendment to the AWPPA, which expanded Canada’s economic zone from 100 to 200 miles. Bill C-3 would die on the order paper when Parliament was prorogued in December 2008, but a similar bill would be passed by the subsequent Parliament and receive royal assent in June 2009.<sup>290</sup> Secondly, the Harper government announced its intention to amend the Canada

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<sup>286</sup> Canada, Parliament, “Speech from the Throne to open the Second Session, Thirty-Ninth Parliament of Canada,” 16 October 2007. Available online: <<http://www2.parl.gc.ca/parlinfo/documents/thronespeech/39-2-e.html>> (2 July 2009).

<sup>287</sup> Canada, Finance Canada, *The Budget Plan 2008: Responsible Leadership* (Ottawa: February 2008), 159. Available online: <<http://www.budget.gc.ca/2008/pdf/plan-eng.pdf>> (2 July 2009).

<sup>288</sup> *Ibid.*, 160-161.

<sup>289</sup> Randy Boswell, “US Coast Guard Plans ‘Sovereignty’ Policy Shift,” *National Post*, 9 August 2008, p. A5. [Online Database Subscription]: Canadian Newsstand [3 July 2009].

<sup>290</sup> Canada, Parliament, *Statutes of Canada 2009*, “Bill C-3: An Act to amend the Arctic Waters Pollution Prevention Act,” Chapter 11. Available online: <<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3990335&Language=e&Mode=1&File=14>> (3 July 2009).

Shipping Act to “require mandatory reporting from all ships destined for Arctic waters within the same 200 nautical mile limit” defined by the amendment to the AWPPA.<sup>291</sup> The purpose of these initiatives was to both protect the Arctic environment and increase security in the area.<sup>292</sup> US reaction to Harper’s announcement was cautious. The US Embassy stated that it would “want to ensure that any enhanced protection of the Canadian Arctic marine environment is achieved in a manner that is consistent with the international law of the sea.”<sup>293</sup>

Approximately a week and a half after his visit to the Arctic, Harper asked Governor General Michaëlle Jean to dissolve Parliament and call a national election. The Arctic question was not a major election issue, as it had been in the 2006 national election campaign. However, Harper was forced to respond to Russian President Dmitry Medvedev’s proposal to legislate in support of Russia’s Arctic claims.<sup>294</sup> While campaigning in Iqaluit, Harper expressed concern that Russia’s actions might “indicate some desire to work outside of the international framework...And that’s obviously why we’re taking a range of measures including military measures to strengthen our sovereignty in the North.”<sup>295</sup> Conservative campaign advisers acknowledged that the campaign stop was a “strategic” one, meant to reaffirm the Harper government’s commitment to Arctic issues and Canadian Arctic sovereignty.<sup>296</sup>

Nothing further was heard from the Harper government regarding Arctic policy until early January 2009. Just over a week before the end of his presidency, George W. Bush released a national security directive which spelled out a new direction in US Arctic policy. The document, referenced as NSPD-66, was the first Arctic policy strategy announcement since the Clinton administration released a PDD on the Arctic in February 1994. The document was written to “reflect the creation of new federal agencies such as the Department of Homeland

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<sup>291</sup> Prime Minister of Canada, “PM announces Government of Canada will extend jurisdiction over Arctic waters,” 27 August 2008. Available online: <<http://pm.gc.ca/eng/media.asp?id=2248>> (3 July 2009).

<sup>292</sup> Ibid.

<sup>293</sup> Randy Boswell and Andrew Mayeda, “US signals Arctic concern,” *The Windsor Star*, 29 August 2008, p. A10. [Online Database Subscription]: Canadian Newsstand [3 July 2009].

<sup>294</sup> Sue Bailey, “Harper Arctic-bound to push Canadian claims, counter Russian moves,” *The Canadian Press*, 19 September 2008. [Online Database Subscription]: Canadian Newsstand [3 July 2009].

<sup>295</sup> Stephen Harper, quoted in, David Akin, “Harper vows to assert Arctic sovereignty; Economic help promised for North as Russia challenges Arctic claims,” *Victoria Times-Colonist*, 21 September 2008, p. A7. [Online Database Subscription]: Canadian Newsstand [3 July 2009].

<sup>296</sup> Ibid.

Security and because the changing climate in northern latitudes [had] spurred new military and commercial activity there.”<sup>297</sup>

The Bush directive reflected some of the themes of the Clinton directive, such as pursuing cooperation with other Arctic nations and a willingness to both manage environmental threats and find solutions. However, the Bush directive differed in its tone. For example, it referred to the threat of terrorism in the Arctic and the need for the US to protect itself.<sup>298</sup> What was shocking for Canada was the aggressiveness of the directive on two particular issues. First, it explicitly rejected Canada’s sovereignty claim over the Northwest Passage by stating it is “a strait used for international navigation.” Second, it drew attention to the unresolved boundary dispute between Canada and the US in the Beaufort Sea.<sup>299</sup>

Reaction in Canada was swift as Ottawa condemned the Bush policy. Some saw it as a direct affront to Harper’s Arctic agenda.<sup>300</sup> Others used the opportunity to push the Harper government to spend more money in order to solidify Canadian control over the Arctic region. NWT Premier Floyd Roland stated: “Canada can no longer afford to maintain a passive approach to our Northern interests. Empty rhetoric will not secure our sovereignty...The words have been kind to us, the highlight of the north has been good, but now we need to back it up with action.”<sup>301</sup>

Harper responded by saying that he had always been “very clear with President Bush” regarding his government’s determination to “assert sovereignty over all of [Canada’s] land and sea territories.” However, he wished to work with the US to resolve disputes rather than risk a repeat of the *Manhattan* and *Polar Sea* incidents.<sup>302</sup> Later that week, Foreign Affairs Minister Lawrence Cannon, while stating there was nothing “particularly provocative” in Bush’s Arctic directive, criticized Bush’s “view that security issues or a potential future terrorist threat from the

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<sup>297</sup> Juliet Eilperin and Spencer S. Hsu, “White House Directive Guides Policy in Arctic,” *Washington Post*, 19 January 2009. Available online: <<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/18/AR2009011802085.html>> (12 September 2009).

<sup>298</sup> George W. Bush, “Directive on Arctic Region Policy,” NSPD-66, *Weekly Compilation of Presidential Documents* 45, no. 2 (19 January 2009): 48. Available online: <[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2009\\_presidential\\_documents&docid=pd19ja09\\_txt-11.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2009_presidential_documents&docid=pd19ja09_txt-11.pdf)> (12 June 2010).

<sup>299</sup> *Ibid.*, 48-49, 50.

<sup>300</sup> Mike Blanchfield and Randy Boswell, “Bush muscles in on Arctic; Cites threat of terror, orders aggressive stance in North,” *Edmonton Journal*, 13 January 2009, p. A1. [Online Database Subscription]: Canadian Newsstand [4 August 2009].

<sup>301</sup> Mike Blanchfield and Randy Boswell, “Robust response urged on Arctic assertions; US considers using its powerful navy to claim resource-rich Arctic territory,” *The Vancouver Sun*, 14 January 2009, p. B2. [Online Database Subscription]: Canadian Newsstand [4 August 2009].

<sup>302</sup> *Ibid.*



north were key concerns.”<sup>303</sup> The furor over the Bush directive died down quickly as Bush’s presidency ended and Barack Obama became the 44<sup>th</sup> US President.

The Harper government continued with its protectionist strategy regarding the Arctic. The 2009 federal budget was unveiled on January 27, which included the announcement of the construction of a “world-class, High Arctic research station.” INAC was given \$2 million to carry out a feasibility study, as well as an additional \$85 million to maintain and upgrade existing Arctic research facilities.<sup>304</sup>

In August 2009, Harper again travelled to the Arctic. He observed Operation Nanook 2009, a military operational exercise whose purpose is to demonstrate Canadian sovereignty in the Arctic, and he announced the establishment of a new economic agency, along with plans for the construction of a new small craft harbour in Pangnirtung, Nunavut.<sup>305</sup> Harper’s annual treks to the Arctic had been largely regarded as attempts to “try to send a message” to the US, and Russia, that Canada was serious about maintaining its presence in the region.<sup>306</sup> Yet his government’s commitment to the region was questioned when the *Ottawa Citizen* cited industry officials as stating that its \$3 billion-dollar program to build Arctic patrol vessels was on hold. The Department of Defence countered, stating that this was not the case, and that it was simply still working on the design of the ships.<sup>307</sup>

That same month saw a US incursion on northern territory that Canada considered its own. The US Secretary of Commerce introduced an Arctic Fishery Management Plan, which prohibited commercial fishing in the Beaufort Sea within an area disputed between Canada and

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<sup>303</sup> Mike Blanchfield, “Arctic policy ‘masterpiece,’ Cannon says; Bush’s ‘sea power’ memo downplayed,” *The Windsor Star*, 17 January 2009, p. C8. [Online Database Subscription]: Canadian Newsstand [4 August 2009].

<sup>304</sup> Canada, Finance Canada, *Budget 2009: Canada’s Economic Action Plan* (Ottawa: January 2009), 150. Available online: <<http://www.budget.gc.ca/2009/pdf/budget-plan/budgetaire-eng.pdf>> (18 May 2010).

<sup>305</sup> Prime Minister of Canada, “PM visits with Canadian forces participating in Operation Nanook 09,” 19 August 2009. Available online: <<http://www.pm.gc.ca/eng/media.asp?category=1&id=2755>> (14 September 2009); Prime Minister of Canada, “PM launches new regional economic development agency for Canada’s north,” 18 August 2009. Available online: <<http://www.pm.gc.ca/eng/media.asp?category=1&id=2751>> (14 September 2009); Prime Minister of Canada, “PM announces construction of new small craft harbour in Pangnirtung,” 20 August 2009. Available online: <<http://www.pm.gc.ca/eng/media.asp?category=1&id=2759>> (14 September 2009).

<sup>306</sup> David Akin, “PM’s Arctic tour designed to bolster sovereignty over region; Stephen Harper will visit Nunavut, Northwest Territories and the Yukon over five days,” *Vancouver Sun*, 18 August 2009, p. B11. [Online Database Subscription]: Canadian Newsstand [15 May 2010].

<sup>307</sup> David Pugliese, “Arctic patrol-vessel plans delayed; DND insists project isn’t on the shelf; \$3B project unveiled 3 years ago, but hasn’t been opened to bidders,” *The Ottawa Citizen*, 19 August 2009, p. A3. [Online Database Subscription]: Canadian Newsstand [15 May 2010]. [Online Database Subscription]: Canadian Newsstand [15 May 2010].

the US.<sup>308</sup> In response, Canada filed a formal diplomatic protest.<sup>309</sup> A few months later, the State of Alaska announced an auction of oil and gas leases for areas which included the disputed zone in the Beaufort Sea.<sup>310</sup>

It was at the end of July 2009 that a marked change was observable in the Harper strategy towards the US on the Arctic. At this time, the Harper government released its long-awaited northern strategy document, entitled *Canada's Northern Strategy: Our North, Our Heritage, Our Future*. The substance and tone of the document suggested a turn to a more problem-solving, and also multilateral, approach. The 40-page booklet contained a compilation of the various announcements and promises made by the Harper government during the past two and a half years. It then outlined how the government intended to approach Canada-US relations in the Arctic in the future. Calling the US “an exceptionally valuable partner in the Arctic,” the document acknowledged Canada’s commitment to “effective collaboration and cooperation with the United States,” and expressed its desire to “continue to deepen cooperation on emerging Arctic issues, bilaterally and through the Arctic Council and other multilateral institutions.”<sup>311</sup>

Shortly after this, the Harper government gained support for its strategy of cooperation from an unlikely place. In November 2009, the US Navy issued an “Arctic roadmap,” a five-year strategic plan to expand its operations in the North.<sup>312</sup> The “roadmap” was based on the idea that the Arctic Ocean would be open water by 2030.<sup>313</sup> Its main goals were to “ensure naval readiness and capability and promote maritime security in the Arctic region,”<sup>314</sup> and one of its objectives was to “[develop] strong cooperative partnerships” with international Arctic

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<sup>308</sup> US, Department of Commerce, “Secretary of Commerce Gary Locke Approves Fisheries Plan for Arctic,” 20 August 2009. Available online: <<http://www.commerce.gov/news/press-releases/2009/08/20/secretary-commerce-gary-locke-approves-fisheries-plan-arctic>> (19 May 2010).

<sup>309</sup> Randy Boswell, “Canada, U.S. flip-flop positions in boundary dispute; Beaufort Sea; Long-running dispute over position of border,” *National Post*, 9 March 2010, p. A7. [Online Database Subscription]: Canadian Newsstand [16 May 2010].

<sup>310</sup> Ibid.

<sup>311</sup> *Canada's Northern Strategy*, 34.

<sup>312</sup> US, Task Force Climate Change/Oceanographer of the Navy, *U.S. Navy Arctic Roadmap*, October 2009. Available online: <[http://www.wired.com/images\\_blogs/dangerroom/2009/11/us-navy-arctic-roadmap-nov-2009.pdf](http://www.wired.com/images_blogs/dangerroom/2009/11/us-navy-arctic-roadmap-nov-2009.pdf)> (19 May 2010).

<sup>313</sup> Ibid.

<sup>314</sup> Bob Freeman, Office of the Oceanographer of the Navy, “Navy Releases Roadmap for Future Arctic Operations,” 24 November 2009, NN091124-08. Available online: <[http://www.navy.mil/search/display.asp?story\\_id=49725](http://www.navy.mil/search/display.asp?story_id=49725)> (12 June 2010).

stakeholders.”<sup>315</sup> The plan also called for active lobbying by the US Navy to get the US Administration to sign the UNCLOS agreement.<sup>316</sup>

In February 2010, Canada and the US agreed to make a serious effort to resolve the decades-long sovereignty dispute over the Beaufort Sea by holding bilateral talks on the issue.<sup>317</sup> Canada took the initiative, inviting the US to engage in a discussion of the issues after analyzing scientific data gathered in a joint Canada-US venture to map the seabed floor of the Beaufort Sea in order to determine the extent of each country’s continental shelf. The data showed a possible overlap of the continental shelves of Canada and the US. A DFAIT spokesperson commented that because of this new data, it “may make sense to resolve the maritime boundary and any extended continental shelf overlaps at the same time.”<sup>318</sup> The two sides met again in March, where they came to an understanding that both countries would benefit from the others’ interpretation of the boundary, setting up the possibility of a negotiated settlement.<sup>319</sup> The same DFAIT spokesperson stated that resolving the long-standing dispute was now a priority for the Harper government.<sup>320</sup>

At the same time, Harper decided to hold a meeting of the finance ministers of the G7 countries in Iqaluit. Finance Minister Jim Flaherty admitted that the choice of venue was based on “one of [the Harper] government’s priorities, the assertion of [Canadian] sovereignty in the Arctic.”<sup>321</sup> Then in March, the Harper government announced that possibly as soon as July 1, 2010, the Northern Canada Vessel Traffic Services Zone Regulations would be implemented, requiring certain ships to report to authorities when entering, while moving within, and exiting northern Canadian waters.<sup>322</sup> This mandatory system of reporting would replace the voluntary NORDREG system that currently exists. Vessels would be required to report such information as identity and planned route, and the regulations would apply to both Canadian and foreign

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<sup>315</sup> *U.S. Navy Arctic Roadmap*, 3.

<sup>316</sup> *Ibid.*, 11.

<sup>317</sup> Randy Boswell, “Canada seeks diplomatic end to Arctic dispute; Beaufort Sea sovereignty,” *National Post*, 18 February 2010, p. A8. [Online Database Subscription]: Canadian Newsstand [16 May 2010].

<sup>318</sup> Catherine Loubier, quoted in Boswell, “Canada seeks diplomatic end to Arctic dispute,” *ibid.*

<sup>319</sup> Boswell, “Canada, U.S. flip-flop positions in Beaufort Sea boundary dispute,” *ibid.*

<sup>320</sup> *Ibid.*

<sup>321</sup> Rob Billies, “To cool global meltdown, G7 goes to the Arctic,” *Whitehorse Star*, 5 February 2010, p. 10. [Online Database Subscription]: Canadian Newsstand [18 May 2010].

<sup>322</sup> Canada, “Northern Canada Vessel Traffic Services Zone Regulations,” *Canada Gazette Part I: Notices and Proposed Regulations* 144, no. 9 (27 February 2010): 318-319. Available online: <<http://canadagazette.gc.ca/rp-pr/p1/2010/2010-02-27/pdf/g1-14409.pdf>> (12 June 2010).

ships.<sup>323</sup> According to the Harper government, the rationale for the regulations lay in the need “to promote safe and efficient navigation” and provide “environmental protection.”<sup>324</sup>

In March 2010, the Speech from the Throne confirmed the Harper government’s interest in dealing with Arctic issues in a multilateral or global context. While reiterating that the government would “continue to vigorously defend Canada’s Arctic sovereignty,”<sup>325</sup> it also confirmed the government’s newfound willingness to work towards negotiated settlements on seabed claims and other disputes. The Harper government would “work with other northern countries to settle boundary disagreements.”<sup>326</sup> The 2010 federal budget, which followed, reaffirmed the Harper government’s commitment to the building of a High Arctic Research Station. The budget provided \$18 million over five years to INAC to begin the design phase of the project.<sup>327</sup>

By this time, the new Obama Administration was itself starting to take a more global position on Arctic issues. In fact, the view emanating from Washington was that Canada’s perspective on Arctic questions was not sufficiently expansive. In late March 2010, Secretary of State Hillary Clinton criticized Canada for holding a summit of the five Arctic coastal states that excluded a number of parties with “legitimate interests” in the Arctic; the parties excluded included Sweden, Finland, and Iceland, as well as indigenous peoples.<sup>328</sup> Responding to charges that the limited invitation list reflected a lack of respect for the Arctic Council, Foreign Affairs Minister Lawrence Cannon stated that the meeting had been held to discuss issues specifically pertaining to Arctic coastal states.<sup>329</sup> He added that Canada certainly respected the mandate of the Arctic Council, especially since it helped establish it.<sup>330</sup>

Shortly after this, Cannon made his own trip to two northern Canadian communities. The intent was to affirm Canada’s sovereignty over the Arctic, but to also check on and bring

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<sup>323</sup> Canada, Transport Canada, “Government of Canada Takes Action to Enhance Safety and Protect Arctic Waters,” 26 February 2010, No. H026/10. Available online: <<http://www.tc.gc.ca/eng/mediaroom/releases-2010-h026e-5848.htm>> (20 May 2010).

<sup>324</sup> “Northern Canada Vessel Traffic Services Zone Regulations,” 319.

<sup>325</sup> Canada, Parliament, “Speech from the Throne: A Stronger Canada. A Stronger Economy,” 3 March 2010. Available online: <<http://www.discours.gc.ca/eng/media.asp?id=1388>> (20 May 2010).

<sup>326</sup> Ibid.

<sup>327</sup> Canada, Finance Canada, *Budget 2010: Leading the Way on Jobs and Growth* (Ottawa: 4 March 2010), 78. Available online: <<http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf>> (20 May 2010).

<sup>328</sup> Mike Blanchfield, “Icy Clinton leaves Arctic summit, says ‘legitimate interests’ frozen out,” *The Whitehorse Star*, 30 March 2010, p. 9. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

attention to the scientific work being done in advance of Canada's submission to the UN Commission on the Limits of the Continental Shelf.<sup>331</sup> Coupled with this was the long-awaited announcement by the Harper government of a National Shipbuilding Procurement Strategy, which was assumed to include the completion of plans to build new Arctic patrol vessels and a polar icebreaker.<sup>332</sup>

## 5.2 Dealing with the US

The Harper government's initial approach to dealing with the US on the Arctic was one of *building defences* to strengthen Canada's sovereignty claims. This approach not only entailed the construction of new ships and harbours, but also involved the deployment of 'Canada versus the US' rhetoric by the government, resulting in the rekindling of Canadian Arctic nationalism. From the start, the Harper government sold itself as the guardian of the north.

But by July 2009 the Harper government's strategy had shifted, from one of defending and asserting Canadian sovereignty by *building defences* to one of *ad hoc adjustment*. The change was particularly evident in the *Northern Strategy* document, where the US was no longer seen as an Arctic rival but as an "exceptionally valuable partner" with whom Canada would seek to "deepen cooperation."<sup>333</sup> It was also seen in the opening of discussions with the US regarding the Beaufort Sea boundary dispute. The one difference between Harper's approach to cooperating with the US and the cooperative approach pursued by the Mulroney government was that Harper shied away from any form of integration of decision-making processes between Canada and the US on Arctic matters. The outcome of the negotiations over the Beaufort Sea boundary dispute will determine whether this remains the case.

But the more striking change in Harper's strategy for dealing with the US on Arctic issues, seeing as previous governments had utilized the *ad hoc adjustment* strategy from time to time on Arctic questions, was Harper's acceptance of the *global order* strategy, and that solutions to certain Arctic issues for Canada lay in the multilateral/global arena. This can be seen in the *Northern Strategy* document, as well as in the decision to host a meeting of Arctic

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<sup>331</sup> Mike Blanchfield, "Cannon to make sovereignty tour of Far North, to observe Canadian research," *The Whitehorse Star*, 5 April 2010, p. 12. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

<sup>332</sup> Canada, National Defence and Canadian Forces, "The Department of National Defence and the Government of Canada's National Shipbuilding Procurement Strategy," 3 June 2010, BG-10.012. Available online: <<http://www.forces.gc.ca/site/news-nouvelles/news-nouvelles-eng.asp?cat=00&id=3401>> (11 June 2010).

<sup>333</sup> *Canada's Northern Strategy*, 34.

coastal states in March 2010. The reasons for this change are not clear, but likely had something to do with the arrival of the Obama Administration. The election of President Barack Obama was largely viewed by Canadians as a positive change for Canada-US relations, as most believed Obama would move US foreign policy from unilateralism towards multilateralism.<sup>334</sup>

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<sup>334</sup> Mike Blanchfield and David Akin, "Bush years 'catastrophic,' ex-envoy says; Canada's former UN ambassador predicts Obama will restore respect for multilateralism, provide leadership," *The Vancouver Sun*, 6 November 2008, p. B3. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

## CHAPTER 6: CONCLUSION - SAME PROBLEM, WHICH SOLUTION?

### 6.1 The Relevance of Kirton's Strategies in Dealing with the US

The nature of the Canada-US dispute in the Arctic has not changed over the past number of decades. The two countries continue to disagree on three territorial disputes: the status of the Northwest Passage, where the Beaufort Sea boundary lies, and who owns what part of the Arctic Ocean. While over the years governments have changed, and now climate change threatens to transform the Arctic in terms of both geography and function, the question remains the same: how does Canada deal with US refusal to recognize Canadian sovereignty over the waters of the Arctic archipelago?

Canada has used most of the strategies identified by Kirton as a means of dealing with the US on Arctic issues. The strategy of *ad hoc adjustment* was used by the Mulroney government when it set out to negotiate an end to the Canada-US dispute over the Northwest Passage. It tried to find a practical solution to the problem, one that would satisfy both sides. This same approach appears to be the strategy of choice for the Harper government in resolving the Beaufort Sea boundary dispute.

The Mulroney government also utilized the *deliberate integration* strategy, which involves both cooperating and integrating with the US. It employed this approach in the ACA negotiations, as it tried to allay US security concerns. Security was also the main reason why the Chrétien and Martin governments chose to both integrate and cooperate with the US in the wake of the September 11<sup>th</sup> attacks. Canada collaborated with the US on a number of security measures since it and the US had mutual concerns regarding control of the Arctic waters.

The third strategy, *building defences* to counteract US power and influence, was the initial approach of both the Mulroney and Harper governments. Mulroney drew straight baselines around the Arctic archipelago and announced that his government would increase surveillance over the region. In the 1987 White Paper the Mulroney government promised to build up to a dozen nuclear submarines. The same types of announcements have been made by the Harper government. Promises to build new icebreakers, new harbours, new ships and new military training centers, all while increasing the presence of the Canadian military in the region, parallel the promises made by the Mulroney government. Each government designed its strategy

as a means of bolstering Canada's presence in the Arctic, and therefore asserting Canadian control over it.

The truth is that this strategy is problematic for a number of reasons. First, regardless of how much money Canada spends to establish its military presence, the US will always have more ships, more troops and more resources. Second, Canada can only insulate itself so much in the face of constant pressure to cooperate and integrate, particularly in the areas of economics and security. Third, and perhaps most important, the Canadian public has simply not been prepared to make a long-term commitment to military spending in the Arctic. Governments have taken their cue and reneged on their several spending commitments.

The fourth strategy of *political penetration* is one that has not been used much by any government. This option is very labour-intensive, requiring Canada to infiltrate the US domestic policy process, find US lobby groups, politicians and government players who agree with the Canadian position, and then have them pressure the US Administration. The outcomes of this strategy are very uncertain; there is no means of knowing whether the resources placed into such a strategy will reap the desired results. Furthermore, the US policy process is large and complex, making it difficult for Canadian officials to gain a foothold within it. In the case of the Arctic, the difficulty of this strategy is compounded by US refusal to acknowledge Canadian sovereignty of the Northwest Passage for fear of setting a precedent that would lead other coastal states to declare their own waters as internal, thus jeopardizing the mobility of the US Navy.<sup>335</sup> While there is sympathy for the Canadian legal position on the Northwest Passage within the US government, as shown by US President Ronald Reagan in his discussions with Canadian Prime Minister Brian Mulroney, the US determination to protect freedom of navigation may be too large an obstacle to overcome.<sup>336</sup>

## 6.2 A Common Thread

This thesis has highlighted the *global order* strategy – whereby Canada seeks to reshape the global order in the pursuit of Canadian values and interests – as a strategy of choice for Canadian governments in dealing with the US on Arctic questions. This approach was used extensively by the Trudeau, Chrétien and Martin governments. Trudeau centered his entire

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<sup>335</sup> Lalonde, 11.

<sup>336</sup> Ibid.



response to the *Manhattan* incident on this approach. He used growing global environmental concern to create support for measures to institute controls over the waters of the Northwest Passage. By placing itself at the center of the dialogue on environmental issues, Canada was able to build a coalition of nations whose communal power offset that of the US and helped to generate support for its environmental and international legal interests.

Similarly, Chrétien and Martin worked to further Canadian interests, initially by working with others within the Arctic Council and later, by gathering international support for the concept of human security. In the case of human security, the efforts of both governments were thwarted by the terrorist attacks of September 11<sup>th</sup> and by a renewed focus on traditional security. However, they were successful in using the newly-established Arctic Council to place Canada in a position of international influence on Arctic issues, even though the Arctic Council became more of a forum than a decision-making body.

The Mulroney government only moved towards the *global order* strategy at the end of its mandate. The end of the Cold War provided it with an opportunity to take steps to situate Arctic issues in the multilateral arena. While Mulroney did not see his idea of an Arctic Council come to fruition, he should be credited with creating another opportunity for Canada to pursue its own interests and provide leadership on Arctic issues.

Like the Mulroney government, the Harper government leaned towards the *global order* strategy after it had utilized, and only achieved moderate success with, other bilateral strategies. Its approach is particularly striking considering the unusually strong nationalistic rhetoric that Harper employed at the beginning of his government's mandate – although not surprising given his limited success in efforts at bilateral negotiation with the US.

### **6.3 Why the Consistency?**

Why has the *global order* strategy been a strategy of choice for governments in Canada in dealing with the US on Arctic issues? One obvious factor is Canada's historical inclination to work for change in the international system by using its influence in multilateral organizations. Multilateralism has been a fact of international life for Canada stretching back to Canada's post-war involvement in the formation of the UN, NATO, and a multiracial Commonwealth, and has always been a way of countering or balancing the power of Canada's continental neighbour, the

US superpower.<sup>337</sup> It allows Canada to pursue its own interests and protect itself from domination by others.<sup>338</sup> The *global order* strategy is essentially multilateralism ‘plus.’ The focus is on reshaping the international agenda, through multilateral engagement, for the purposes of furthering Canadian interests. Multilateralism is essentially a means to greater ends.

There also appears to be a number of systemic and domestic factors that have pushed governments in Canada towards a global Arctic strategy. The ever-changing international agenda and the corresponding evolution of the international system constitute a major factor. The emergence of environmental issues in the late 1960s created new challenges for Canada in the Arctic that it could only meet effectively by working within the global system. And both the end of the Cold War and the events of September 11, 2001 forced Canada to look at security challenges in the Arctic in an unprecedented global way.

The continuing evolution of international maritime law is another major systemic factor affecting Canada’s strategic approach to the Arctic. The US has not signed the UNCLOS agreement. Canada’s legal position regarding the Northwest Passage is not unassailable. Canada and the US continue to disagree over their mutual boundary in the Beaufort Sea. No one is sure who owns what part of the continental shelf under the Arctic Ocean. All of this uncertainty requires that Canada continue to publicly affirm its position on Arctic sovereignty, while looking for opportunities to work with others to move the international agenda forward in a global context. In both ways, Canada effectively pursues its own interests.

The primary domestic factor affecting the utilization of the *global order* strategy is abiding Canadian nationalism. Canadians have a strong nationalistic attachment to the Arctic, and there is a protectionist instinct, coupled with an aversion to US power and influence, that propels the Canadian government to find ways to satisfy the public when issues of Arctic sovereignty arise. This strategy may not resonate as strongly with passionate Canadian nationalists at home, but it does go some distance in meeting the public’s desire that Canada be active in the international realm in furthering Canada’s interests.

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<sup>337</sup> Tom Keating, *Canada and World Order: The Multilateralist Tradition in Canadian Foreign Policy* (Don Mills, ON: Oxford University Press, 2002), 11.

<sup>338</sup> *Ibid.*, 9.

## 6.4 Future Directions

There have been many calls for Canada to negotiate an end to Arctic disputes with the US by engaging in bilateral talks. Many would like to see the Arctic issue settled once and for all, and calls to negotiate are nothing new. The Mulroney government tried this approach with the ACA, but failed to find a long-lasting and beneficial solution. Yet there are an increasing number of experts and writers pushing for a negotiated end to the problem.<sup>339</sup>

A leading advocate of a bilateral solution is Professor Franklyn Griffiths, who recently asserted that in a post-9/11 world, “the United States no longer gains from a position that treats the passage as an international strait and thereby gives ready entry to foreign vessels, which may be carrying terrorists, weapons of mass destruction and the like into northernmost North America for transfer southward.”<sup>340</sup> Griffiths argues that the US has already given its “tacit approval” for Canada to control the Northwest Passage by not denouncing the Harper government’s plans to build up infrastructure and increase surveillance in the Arctic.<sup>341</sup> Therefore, Canada “should forget about trying to convince the U.S. to concede Canadian control of the passage and instead pursue a policy of conflict-avoidance and partnership-building.”<sup>342</sup> According to Griffiths, the ACA should be used as a “framework” for future negotiations and subsequent agreements.<sup>343</sup>

Another proposition, forwarded by Andrea Charron, is that Canada should forget about trying to get the US to recognize Canadian sovereignty in the Arctic and “be creative and think beyond just the voyage to the possibility of an international, open, Canadian passage.”<sup>344</sup> These are both strong arguments, which will be debated by Arctic specialists in the years to come.

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<sup>339</sup> Michael Byers, “Re-packaging Arctic sovereignty; Canada’s new Northern Strategy is mostly made up of old ideas that have gone nowhere,” *The Ottawa Citizen*, 5 August 2009, p. A11. [Online Database Subscription]: Canadian Newsstand [26 May 2010]; Barbara Yaffe, “PM, Obama could easily settle feud over Arctic,” *Vancouver Sun*, 16 January 2009, p. B3. [Online Database Subscription]: Canadian Newsstand [26 May 2010].

<sup>340</sup> Franklyn Griffiths, “Canadian Arctic Sovereignty: Time to Take Yes for an Answer on the Northwest Passage,” in *Northern Exposure: People, Powers and Prospects in Canada’s North*, eds. Frances Abele, Thomas J. Courchene, F. Leslie Seidle, and France St-Hilaire (Montreal: McGill-Queen’s University Press, 2009), 11. Available online: <<http://www.irpp.org/books/archive/AOTS4/griffiths.pdf>> (14 October 2009).

<sup>341</sup> Franklyn Griffiths, “Our Arctic sovereignty is well in hand,” *The Globe and Mail*, 8 November 2006, p. A25. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

<sup>342</sup> Randy Boswell and Andrew Mayeda, “Canada asserting its title as keeper of the Passage; Emerging consensus is route is ours to control,” *Calgary Herald*, 18 August 2008, p. A3. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

<sup>343</sup> Franklyn Griffiths, “Breaking the ice on Canada-US Arctic cooperation,” *The Globe and Mail*, 22 February 2006, p. A21. [Online Database Subscription]: Canadian Newsstand [24 May 2010].

<sup>344</sup> Andrea Charron, “The Northwest Passage: Is Canada’s sovereignty floating away?” *International Journal* 60, no. 3 (Summer 2005): 848.

Indeed, as the Arctic continues to become increasingly accessible to more people, more scholarship is needed which explores different modes of bilateral and international cooperation, diverse policy approaches, and Canada's role as an Arctic power. It is in Canada's interests to put itself in the best possible position for the future, as it is only beginning to realize the value and potential of its vast Arctic.

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